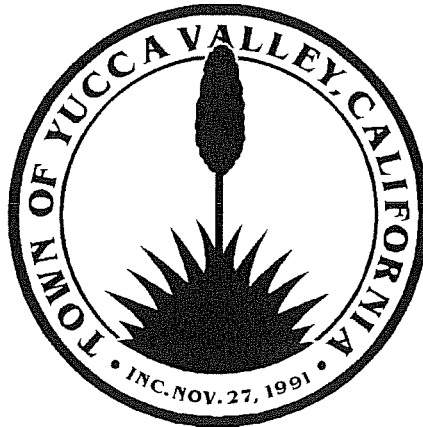


TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING



*The Mission of the Town of Yucca Valley is to
provide a government that is responsive to its citizens
to ensure a safe and secure environment
while maintaining the highest quality of life.*

TUESDAY, MARCH 6, 2012
TOWN COUNCIL: 6:00 p.m.
YUCCA VALLEY COMMUNITY CENTER
YUCCA ROOM
57090 - 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284

CLOSED SESSIONS
YUCCA VALLEY TOWN HALL CONFERENCE ROOM
57090 - 29 PALMS HIGHWAY
YUCCA VALLEY, CALIFORNIA 92284

* * * *

TOWN COUNCIL
Dawn Rowe, Mayor
Isaac Hagerman, Mayor Pro Tem
Merl Abel, Council Member
George Huntington, Council Member
Robert Lombardo, Council Member

* * * *

TOWN ADMINISTRATIVE OFFICE:
760-369-7207
www.yucca-valley.org

**AGENDA
MEETING OF THE
TOWN OF YUCCA VALLEY COUNCIL
TUESDAY, MARCH 6, 2012, 6:00 P.M.**

The Town of Yucca Valley complies with the Americans with Disabilities Act of 1990. If you require special assistance to attend or participate in this meeting, please call the Town Clerk's Office at 760-369-7209 at least 48 hours prior to the meeting.

An agenda packet for the meeting is available for public view in the Town Hall lobby and on the Town's website, www.yucca-valley.org, prior to the Council meeting. Any materials submitted to the Agency after distribution of the agenda packet will be available for public review in the Town Clerk's Office during normal business hours and will be available for review at the Town Council meeting. Such documents are also available on the Town's website subject to staff's ability to post the documents before the meeting. For more information on an agenda item or the agenda process, please contact the Town Clerk's office at 760-369-7209 ext. 226.

If you wish to comment on any subject on the agenda, or any subject not on the agenda during public comments, please fill out a card and give it to the Town Clerk. The Mayor/Chair will recognize you at the appropriate time. Comment time is limited to 3 minutes.

(WHERE APPROPRIATE OR DEEMED NECESSARY, ACTION MAY BE TAKEN ON ANY ITEM LISTED IN THE AGENDA)

OPENING CEREMONIES 6:00 p.m.

CALL TO ORDER

ROLL CALL: Council Members Abel, Hagerman, Huntington, Lombardo, and Mayor Rowe.

PLEDGE OF ALLEGIANCE

INVOCATION

Led by Pastor Jerel Hagerman

APPROVAL OF AGENDA

Action: Move _____ 2nd _____ Voice Vote _____

CONSENT AGENDA

- 1-8 1. Regular Town Council Meeting Minutes of February 21, 2011.

Recommendation: Approve minutes as presented.

2. Waive further reading of all ordinances (if any in the agenda) and read by title only.

Recommendation: Waive further reading of all ordinances and read by title only.

- 9-10 3. Refund for Undergrounding Utilities

Recommendation: Affirm staff findings regarding the undergrounding of utilities associated with the Parthen Products development at 6650 La Contenta Road, Yucca Valley, CA 92284, and ratify a refund in the amount of \$19,390.42 pursuant to the Town's Utility Undergrounding Ordinance.

- 11-17 4. Warrant Register, March 6, 2012

Recommendation: Ratify the Warrant Register total of \$145,664.80 for checks dated February 23, 2012. Ratify Payroll Registers total of \$151,304.63 for checks dated February 17, 2012.

All items listed on the consent calendar are considered to be routine matters or are considered formal documents covering previous Town Council instruction. The items listed on the consent calendar may be enacted by one motion and a second. There will be no separate discussion of the consent calendar items unless a member of the Town Council or Town Staff requests discussion on specific consent calendar items at the beginning of the meeting. Public requests to comment on consent calendar items should be filed with the Town Clerk/Deputy Town Clerk before the consent calendar is called.

Recommendation: Adopt Consent Agenda (items 1-4)(roll call vote)

Action: Move _____ 2nd _____ Roll Call Vote _____

DEPARTMENT REPORTS

- 18-47 5. Remote Caller Bingo Ordinance

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING CHAPTER 17 OF DIVISION 1 OF

TITLE 4 OF THE SAN BERNARDINO COUNTY CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY, AND ADDING CHAPTER 5.30 TO TITLE 5 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE, REGARDING TRADITIONAL AND REMOTE CALLER BINGO

Staff Report

Recommendation: Introduce the Ordinance of the Town Council of the Town of Yucca Valley, California, repealing Chapter 17 of Division 1 of Title 4 of the San Bernardino County Code as adopted by the Town of Yucca Valley, and adding Chapter 5.30 to Title 5 of the Town of Yucca Valley Municipal Code regarding Traditional and Remote Caller Bingo.

Action: Move _____ 2nd _____ Roll Call Vote _____.

POLICY DISCUSSION

- 48-102 6. Sign Ordinance Enforcement, Temporary Signs, Banners & Flags for Commercial & Industrial Enterprises, Joint Town Council & Planning Commission, Sign Ordinance Review.

Staff Report

Recommendation: Continue the suspension of enforcement of the time periods established for temporary commercial and industrial signs as established in Section 87.07130(c), until the Town Council and Planning Commission convene in Joint Session to review the Sign Ordinance; Direct staff to evaluate the potential for “community event and economic development” sign standards and locations within the sign regulations; and Direct staff to schedule a joint meeting of the Town Council and Planning Commission to discuss the existing Sign Ordinance and to provide direction to staff and the Planning Commission for preparation of revisions to the existing sign regulations with the update of the Development Code.

Action: Move _____ 2nd _____ Voice Vote _____.

FUTURE AGENDA ITEMS

PUBLIC COMMENTS

In order to assist in the orderly and timely conduct of the meeting, the Council takes this time to consider your comments on items of concern which are on the Closed Session or not on the agenda. When you are called to speak, please state your name

and community of residence. Notify the Mayor if you wish to be on or off the camera. Please limit your comments to three (3) minutes or less. Inappropriate behavior which disrupts, disturbs or otherwise impedes the orderly conduct of the meeting will result in forfeiture of your public comment privileges. The Town Council is prohibited by State law from taking action or discussing items not included on the printed agenda.

STAFF REPORTS AND COMMENTS

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

7. Council Member Huntington
8. Council Member Lombardo
9. Council Member Abel
10. Mayor Pro Tem Hagerman
11. Mayor Rowe

CLOSED SESSION

12. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION
The legislative body is deciding whether or not to initiate litigation pursuant to Government Code Section 54956.9(c). (1 case)

ANNOUNCEMENTS

Time, date and place for the next Town Council meeting.

Next Town Council Meeting, Tuesday, March 20, 2012, 6:00 p.m.

CLOSING ANNOUNCEMENTS

ADJOURNMENT

Yucca Valley Town Council

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Town of Yucca Valley Town Council in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Yucca Valley Town Council, Commissions and Committees.

Agendas - All agendas are posted at Town Hall, 57090 Twentynine Palms Highway, Yucca Valley, at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed at the Town Hall offices located at 57090 Twentynine Palms Highway, Yucca Valley.

Agenda Actions - Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Town Council will generally consider items in the order listed on the agenda. However, items may be considered in any order. Under certain circumstances new agenda items can be added and action taken by two-thirds vote of the Town Council.

Closed Session Agenda Items - Consideration of closed session items, *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Mayor will announce the subject matter of the closed session. If final action is taken in closed session, the Mayor shall report the action to the public at the conclusion of the closed session.

Public Testimony on any Item - Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Town Council should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the Town Clerk prior to the Council's consideration of the item. A "Request to Speak" form must be completed for *each* item when an individual wishes to speak. When recognized by the Mayor, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Council, speakers are limited to up to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Council at any one meeting. The Mayor or a majority of the Council may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Council member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times - The Council is concerned that discussion takes place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment - At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject with Council's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. The time limits established in Rule #4 still apply.*

Disruptive Conduct - If any meeting of the Council is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Mayor may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Council without first being recognized, not addressing the subject before the Council, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Council from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for all Town of Yucca Valley meetings. Your cooperation is appreciated!*

ACRONYM LIST

ADA	Americans with Disabilities Act
CAFR	Comprehensive Annual Financial Report
CALTRANS	California Department of Transportation
CEQA	California Environmental Quality Act
CCA	Community Center Authority
CDBG	Community Development Block Grant
CHP	California Highway Patrol
CIP	Capital Improvement Program
CMAQ	Congestion Mitigation and Air Quality
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COP	Certificates of Participation
CPI	Consumer Price Index
ED	Economic Development
EIR	Environmental Impact Report (pursuant to CEQA)
GAAP	Generally Accepted Accounting Procedures
GASB	Governmental Accounting Standards Board
IEEP	Inland Empire Economic Partnership
IIPP	Injury and Illness Prevention Plan
IRC	Internal Revenue Code
LAIF	Local Agency Investment Fund
LLEBG	Local Law Enforcement Block Grant
LTF	Local Transportation Fund
MBTA	Morongo Basin Transit Authority
MBYSA	Morongo Basin Youth Soccer Association
MDAQMD	Mojave Desert Air Quality Management District
MOU	Memorandum of Understanding
MUSD	Morongo Unified School District
PARSAC	Public Agency Risk Sharing Authority of California
PERS	California Public Employees Retirement System
PPA	Prior Period Adjustment
PVEA	Petroleum Violation Escrow Account
RDA	Redevelopment Agency
RSA	Regional Statistical Area
RTP	Regional Transportation Plan
SANBAG	San Bernardino Associated Governments
SCAG	Southern California Association of Governments
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TEA-21	Transportation Enhancement Act for the 21 st Century
TOT	Transient Occupancy Tax

**TOWN OF YUCCA VALLEY
TOWN COUNCIL MEETING MINUTES
FEBRUARY 21, 2012**

OPENING CEREMONIES

Council Members Present: Abel, Hagerman, Huntington, Lombardo, and Mayor Rowe.

Staff Present: Deputy Town Manager Stueckle, Town Attorney Laymon, Community Services Director Schooler, Administrative Services Director Yakimow, Police Capt. Miller, and Town Clerk Anderson

PLEDGE OF ALLEGIANCE

Led by Capt. Miller

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

1. Introduction of Miss Yucca Valley and Court

2012 Miss Yucca Valley Mariana Falossi introduced herself and 3rd Princess Cassie Cannon. 1st Princess Charlotte Rowell and 2nd Princess Danielle Harrington were not able to attend.

AGENCY REPORTS

Chamber of Commerce

2. Monthly Statistical Report for January 2012.

Jennifer Collins, Chamber of Commerce, reported regarding the information distributed during the King of the Hammers event and the amount of visitors attending the event. Noted the website had over 1,000,000 hits due to the King of the Hammers and the ad in sunset Magazine.

Desert Regional Tourism Agency

3. California Welcome Center Activity Report

Cary Harwin, DRTA, gave the report for the 1st and 2nd quarter of 2011.

APPROVAL OF AGENDA

Council Member Hagerman moved to approve the agenda. Council Member Huntington seconded. Motion carried 5-0 on a voice vote.

CONSENT AGENDA

4. **Approve**, Regular Town Council Meeting Minutes of January 17, 2011.
5. **Waive**, further reading of all ordinances (if any in the agenda) and read by title only.
6. **Receive and file**, the AB 1234 Reporting Requirement Schedule for the month of January 2012
7. **Receive and file**, Monthly Statistical Fire Department Report for January 2012
8. **Award**, contract for professional design services to Albert Grover & Associates related to the design of Signal Synchronization Project and the preparation of Plans, Specifications and Estimates, including bid ready construction documents, in the amount of \$48,750, and authorize the Town Manager, Town Attorney, and the Mayor to sign all necessary documents to complete the project, SR 62, Camino del Cielo to Acoma, Town Project No. 8028, Congestion Mitigation Air Quality (CMAQ) Grant.
9. **Approve**, the Cost Distribution Agreement between the Town and Caltrans for the traffic signal located at SR 62 and Airway Avenue, and authorize the Town Manager, Town Attorney, and the Mayor to sign the Agreement, Project EA No. 08-0M440.
10. **Approve**, amendment to the tolling agreement between the Town of Yucca Valley and the County of San Bernardino, relative to property tax administration fees charged by the County of San Bernardino, and authorize the Mayor, Town Manager, Town Attorney, and the Town Clerk to sign all necessary documents.
11. **Approve**, Proclamation proclaiming February 23, 2012 as Rotary Day in Yucca Valley.
12. **Authorize**, Town Staff to solicit informal bids from three vendors for the purchase of the FY 2011 Homeland Security Grant Program (HSGP) computer equipment and a portable solar message board, and to waive the informal bidding procedures finding that the established procedures (Chapter 3.12) would be impractical for these purchases.
13. **Adopt**, Resolution No. 12-04, supporting the transfer of Ontario International Airport (ONT) to Local Control.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, IN SUPPORT OF THE TRANSFER OF ONTARIO INTERNATIONAL AIRPORT (ONT) TO LOCAL CONTROL

- 14. **Ratify**, the Warrant Register total of \$1,688,382.01 for checks dated January 12, 2012 to February 9, 2012. Ratify Payroll Registers total of \$633,784.90 for checks dated December 22, 2011 through February 3, 2012.

Council Member Huntington moved to adopt Consent Agenda Items 4-14. Council Member Lombardo seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Member Abel, Hagerman, Huntington Lombardo, and Mayor Rowe.
NOES: None
ABSTAIN: None
ABSENT: None

PUBLIC HEARINGS

- 15. **Community Development Block Grant (CDBG) Prioritization Hearing.**

Mayor Rowe opened the public hearing and requested the staff report.

Community Services Director Schooler gave the staff report contained in the printed agenda and displayed a PowerPoint Presentation. The allocation for fiscal year 2012-13 is \$104,603. Up to 15% or \$15,690 can be allocated to public service programs, or the entire allocation may be directed to projects. It was noted that the Town did enter into a three year agreement with the County for participation in the Senior Home Repair Program for 2009-10, 2010-11, and 2011-12. The recommendation is to forward a recommendation to the Board of Supervisors to add the Town’s entire CDBG allotment for 2012-13 to the Town’s Community Center Playground Project.

Mayor Rowe questioned if any written communication has been received on the item. Town Clerk Anderson advised that one e-mail has been received from Heidi Morgan requesting that the status of the nonprofit organizations requesting funding is researched to determine that they are registered and in good standing with the Attorney General Charitable Trust.

Mayor Rowe opened the floor to comments.

Linda Grove, Yucca Valley Library, introduced Tracy Carillo, Literacy Specialist, and thanked the Council and residents for their continued support of the literacy program at the library.

Robin Schlosser, Reach Out Morongo Basin, requested funding for senior and handicapped transportation services.

Kari Grimes, Morongo Basin Senior Support Center, requested funding for services for seniors.

Susan Metzger, Boys and Girls Club, requested funding for youth services and recreational activities.

Steven Tuttle, Joshua tree, Copper Mountain Mesa Community Association, requested funds for the community center for a new roof, HVAC and doors.

There being no one else wishing to speak, Mayor Rowe closed the Public Hearing.

Council Member Lombardo questioned if the funds recommended for the Community Center Playground is for the splash pad. Community Services Director Schooler advised the original thought was for a splash pad but it is not yet known if there will be enough funding to add that.

Council Member Huntington questioned how the City of Twentynine Palms came out in relation to last year's funding allocation. Community Services Director Schooler advised he has not received information regarding allocation to other communities. Council Member Huntington questioned if it is anticipated we will continue to fund those programs we have in the past with the general fund. Administrative Services Director Yakimow will come back during budget time regarding that issue. Council Member Huntington advised the Town also has a use contract with the Boys & Girls Club.

Council Member Abel commented it is his understanding that when the Council made the decision to go for one large project, the money was set aside for the Community Center Park to bring it up to minimum standards. Community Services Director Schooler explained that the first two years were allocated to the Park, and what would have been the 3rd year of funding last year was allocated to a special code enforcement project. He noted the play equipment we have now is no longer compliant to safety standards. Council Member Abel questioned if the Town is looking at another project after this one completed, or if we can go back to looking at funding these other agencies. Community Services Director Schooler advised that next year when the CDBG cycle begins we will receive new proposals. Council Member Abel commented he knows how painful it was for the previous Council to make that decision to allocate the funds to one project, and he would like to see us finish the vision of the previous Council.

Council Member Hagerman commented there is a need to finish with this round of CDBG funding, but he does want to look at funding some of these requests out of our general fund when it comes around.

Mayor Rowe explained why the Town couldn't give as much as requested for programs and questioned how the agencies go about applying for those budgetary funds from the Town. Deputy Town Manager Stueckle advised they can approach a Council Member, send a letter to the Town Clerk, or come to the lectern request funding. He noted we are anticipating a very tight budget year this year, but is sure those discussions will take place as we go through the process

Council Member Huntington commented that CDBG funding in general is not a good deal for the individuals who lose half the money in labor costs because of the requirement to pay Davis Bacon wages and the administrative charges.

Council Member Hagerman moved to Recommend that the Town's entire 2012-2013 CDBG allocation of \$104,603 be applied to the Town of Yucca Valley's Community Center Playground Renovation project, and direct staff to include the anticipated grant revenue in the 2012-13 budget proposal. Council Member Abel seconded. Motion carried 5-0 on a roll call vote.

- AYES: Council Member Abel, Hagerman, Huntington Lombardo, and Mayor Rowe.
- NOES: None
- ABSTAIN: None
- ABSENT: None

DEPARTMENT REPORTS

16. FY 2011-12 Mid-year Budget Report

Administrative Services Director Yakimow gave the staff report contained in the printed agenda and displayed a PowerPoint presentation. Staff recommendation is to receive and file the mid-year report and approve budget amendments in the amount of \$20,000 for IT Professional Services, \$20,000 for Community Relations professional services, and a reduction in Community Relations contributions of \$7,000, for a total addition of \$33,000.

Council Member Lombardo commented he is glad to see that the Town is maintaining reserves.

Council Member Abel advised he is looking forward to receiving good news this next month.

Council Member Hagerman questioned how much was set aside for deferred road maintenance last year. Administrative Services Director Yakimow advised it was \$240,000

Council Member Lombardo moved to receive and file the Mid-year Budget Report and approve budget amendments in the amount of \$20,000 for IT Professional Services, \$20,000 for Community Relations professional services, and a reduction in Community Relations contributions of \$7,000, for a total addition of \$33,000. Council Member Hagerman seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Member Abel, Hagerman, Huntington Lombardo, and Mayor Rowe.
NOES: None
ABSTAIN: None
ABSENT: None

FUTURE AGENDA ITEMS

PUBLIC COMMENT

Richard Harlan, Yucca Valley, commented regarding the internally lit street signs on the highway and recommended that the state be told to come replace them with the regular green signs for no charge, rather than spending the \$32,000 sign budget replacing them.

STAFF REPORTS AND COMMENTS

Deputy Town Manager Stueckle advised that internally illuminated signs are commonly used in cities throughout the state for ease of identification at night time. Several cities in the low desert have experienced similar problems. He noted the Town does not spend its entire sign budget on these signs, there are thousands of street and traffic signs in the community.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

17. Council Member Huntington

Commented the Town has an agreement with Caltrans that we will provide the signs and they will install them.

Congratulated Miss Yucca Valley and her Court

Recognized the work of the nonprofits in the community and commented that the Town needs to support them as much as we can. He appreciates them for being there.

18. Council Member Lombardo

Congratulated Miss Yucca Valley and her court and asked them to get involved in the community.

19. Council Member Abel

Reported regarding his attendance along with Council Member Lombardo at the League of California Cities New Mayors and Council Members conference in Sacramento.

Reported regarding attendance at the Morongo Basin Station Volunteer Recognition dinner, noting it was fantastic to see how many volunteers we have out there.

Commented he knows that Miss Yucca Valley and her Court have a lot of things to do within the community noting he appreciates all their hard work.

Thanked the nonprofit organizations for all they do.

20. Mayor Pro Tem Hagerman

Congratulated Miss Yucca Valley and Court noting they will be seen everywhere in the community and that it is big learning experience.

Congratulated Tami Roleff, KCDZ, for winning a Golden Mike award

21. Mayor Rowe

Congratulated Miss Yucca Valley and her Court.

Thanked Administrative Services Director Yakimow for all the work on the budget.

Mayor Rowe recessed the Town Council Meeting at 7:15 p.m. to convene the Successor Agency to the Yucca Valley redevelopment Agency and reconvened at 7:19 p.m.

Mayor Rowe requested a time and date members would be available to hold a Special Successor Agency meeting on either February 27th or 29th. General Consensus was to hold the meeting on Monday, February 27th at 4:30 p.m. Council Member Lombardo advised he will not be able to attend.

CLOSED SESSION

22. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

The legislative body is deciding whether or not to initiate litigation pursuant to Government Code Section 54956.9(c). (1 case)

23. Government Code Section 54956.8, Conference with Real Property Negotiators.

Property: located along SR 247, within Section 11, T1N, R5E, SBM
Caltrans/Town of Yucca Valley
Mark Nuaimi /Shane Stueckle, Real Property Negotiator
Real Property Negotiations

Mayor Rowe adjourned the meeting to closed session at 7:20 p.m., reconvened at 7:34 p.m., and announced there was no reportable action taken. There were no members of the public present.

ANNOUNCEMENTS

Next Town Council Meeting, Tuesday, March 6, 2012, 6:00 p.m.

ADJOURNMENT

There being no further business the meeting was adjourned at 7:34 p.m.

Respectfully submitted,

Jamie Anderson, MMC
Town Clerk

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Director of Administrative Services
Date: February 22, 2012
For Council Meeting: March 6, 2012

Subject: Refund for Undergrounding Utilities

Prior Council Review: The Town Council adopted the Utility Undergrounding Ordinance at its meeting of May 12, 2005. This matter was discussed at it's the meeting of February 15, 2011 where staff was directed to initiate the amendment process for the Ordinance. The first reading of the amended Ordinance was on December 20, 2011. The second reading of the amended Ordinance was on January 17, 2012, with the amended Ordinance becoming effective on February 17, 2012.

Recommendation: That Town Council:

1. Affirms staff findings regarding the undergrounding of utilities associated with the Parthen Products development at 6650 La Contenta Road, Yucca Valley, CA 92284;
2. Ratify a refund in the amount of \$19,390.42 pursuant to the Town's Utility Undergrounding Ordinance.

Order of Procedure:

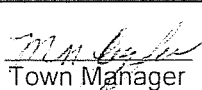
Staff Report
Public Comment
Questions of Staff
Agency Discussion
Motion/Second
Discussion on Motion
Roll Call vote

Discussion: Town staff received a request from Mr. Howard Parrett for a refund in the amount of \$19,390.42 that was paid in lieu of undergrounding utilities at the Parthen Products Development located at 6650 La Contenta Road, Yucca Valley, CA 92284.

According to the Town's amended Ordinance (Chapter 87.1160) **Refunding of Undergrounding Fees**, the Town Council may approve the refunding of undergrounding fees when the following findings are made:


- a) The undergrounding of existing overhead utility lines along the projects street frontages are not projected to be completed by the Town of Yucca Valley or Southern California Edison within a five year time period.

Reviewed By:


Town Manager


Town Attorney


Mgmt Services


Dept Head

Department Report
 Consent

Ordinance Action
 Minute Action

Resolution Action
 Receive and File

Public Hearing
 Study Session

- b) The undergrounding of existing utility lines along the project property lines at this time would be the single property which provides for undergrounding of overhead utilities within 2,640 feet in either direction from side property lines.

Staff has made these findings and recommends that Council affirm the findings and ratify a full refund of the utility undergrounding in-lieu fees paid.

Alternatives: None recommended

Fiscal impact: Ratification of the refund will reduce the Town's In-Lieu Fund (Fund 300) by \$19,390.42.

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Curtis Yakimow, Administrative Services Director
Date: February 27, 2012
For Council Meeting: March 6, 2012
Subject: Warrant Register March 6, 2012

Recommendation:

Ratify the Warrant Register total of \$ 145,664.80 for checks dated February 23, 2012. Ratify Payroll Register total of \$ 151,304.63 for checks dated February 17, 2012.

Order of Procedure:


- Department Report
- Request Staff Report
- Request Public Comment
- Council Discussion
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call)

Attachments:

Payroll Register No. 34 dated February 17, 2012 total of \$ 151,304.63
Warrant Register No. 37 dated February 23, 2012 total of \$ 145,664.80

Reviewed By:


Town Manager


Admin. Services


Town Attorney

Department Report
 Consent

Ordinance Action
 Minute Action

Resolution Action
 Receive and File

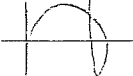
Public Hearing
 Study Session

TOWN OF YUCCA VALLEY
PAYROLL REGISTER # 34
CHECK DATE - February 17, 2012

Fund Distribution Breakdown


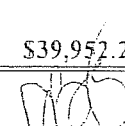
Fund Distribution

General Fund	\$132,089.64
Gas Tax Fund	10,953.14
Redevelopment Agency	8,261.85
	<hr/>
Grand Total Payroll	<u><u>\$151,304.63</u></u>

Prepared by P/R & Financial Specialist: 

Reviewed by H/R & Risk Mgr.: 

Town of Yucca Valley
Payroll Net Pay & Net Liability Breakdown
 Pay Period 34 - Paid 02/17/2012
 (Januray 28, 2012 - February 10, 2012)
 Checks: 4268-4278

	Employee	Employer	Total
<u>Net Employee Pay</u>			
Payroll Checks	\$4,020.93		\$4,020.93
Direct Deposit	74,604.31	-	74,604.31
Sub-total	78,625.24		78,625.24
<u>Employee Tax Withholding</u>			
Federal	12,060.86		12,060.86
Medicare	1,602.00	1,602.03	3,204.03
SDI - EE	-	-	-
State	3,957.97		3,957.97
Sub-total	17,620.83	1,602.03	19,222.86
<u>Employee Benefit & Other Withholding</u>			
Health Benefit Account Credit	-	13.00	13.00
Deferred Compensation	3,542.20	2,837.97	6,380.17
PERS Survivor Benefit	52.00		52.00
Health Caf� Plan	2,764.42	14,652.54	17,416.96
American Fidelity Pre-Tax	259.76		259.76
American Fidelity After-Tax	12.15		12.15
American Fidelity-FSA	681.29		681.29
PERS EE - Contribution 7%	739.90		739.90
PERS EE - Contribution 8%	6,719.16		6,719.16
PERS Retirement - Employee	-	817.39	817.39
PERS Retirement - Employer	-	14,845.15	14,845.15
Wage Garnishment - Employee	335.42		335.42
Life & Disability Insurance		989.49	989.49
Unemployment Insurance		1,048.65	1,048.65
Workers' Compensation		3,146.04	3,146.04
Sub-total	15,106.30	38,350.23	53,456.53
Gross Payroll	\$111,352.37	\$39,952.26	\$151,304.63
Prepared by P/R & Financial Specialist 	Reviewed by H/R & Risk Mgr 		



WARRANT REGISTER # 37

CHECK DATE FEBRUARY 23, 2012

FUND DISTRIBUTION BREAKDOWN

Checks # 36177 - # 36265 are valid
Check # 36201 is void

GENERAL FUND # 001	\$51,423.50
CENTRAL SUPPLIES FUND # 100	\$227.34
CUP DEPOSITS FUND # 200	\$35,871.95
QUIMBY/IIN LIEU FEE FUND # 300	\$19,390.42
AB2928 STATE CONSTRUCTION GRANT FUND # 513	\$8,281.33
STREET MAINTENANCE FUND # 515	\$2,516.04
MEASURE I MAJOR ARTERIAL FUND # 522	\$24.86
MEASURE I LOCAL ROADS FUND # 523	\$24.86
MEASURE I - 2010-2040 FUND # 524	\$3,926.72
HUD JERRY LEWIS PARK FUND # 551	\$21,151.12
CDBG FUND # 560	\$2,035.01
CAPITAL PROJECTS RESERVE FUND # 800	\$791.65
GRAND TOTAL	<u><u>\$145,664.80</u></u>

Prepared by Shirlene Doten, Finance  Approved by Mark Nuaimi, Town Manager _____
Reviewed by: Curtis Yakimow, Admin Svc. Dir. 

Town of Yucca Valley

Warrant Register

February 23, 2012

Fund	Check #	Vendor	Description	Amount
001	GENERAL FUND			
	36177	Employment Development Dept.	Qtr End 12/11 Unemployment Ins.	\$8,009.00
	36178	Action Pumping, Inc.	Shelter Septic Service	305.00
	36179	Alsco/American Linen, Inc.	Facilities Maintenance Supplies	168.47
	36181	Avalon Urgent Care	Medical Screening Svs.	15.00
	36182	Boys & Girls Club	4-6/12 Partnership Agreement	12,000.00
	36184	Beltz Portable Toilets	SS Neighborhood Park Project	78.75
	36186	Ronnie Burnette	Sports Referee	32.00
	36187	C & M Electric	HVAC Fan Motor	261.56
	36189	Madison Cardamone	Sports Referee	68.00
	36190	Dennis Cavins	Sports Referee	24.00
	36191	CDW Government, Inc.	Technology Equipment	107.71
	36192	Companion Animal Clinic	Veterinary Services	113.90
	36194	Cyber Photographics	Sports Program Expense	147.62
	36196	Desert Pacific Exterminators	Facilities Maintenance	49.00
	36197	Dept of Justice	Livescan Services	60.00
	36198	Ed Escalante	Sports Referee	42.00
	36199	Farmer Bros. Co.	Office Supplies	47.57
	36200	FedEx	Delivery Service	52.77
	36203	G & K Propane	Shelter Propane	478.39
	36205	Joel Geeson	Sports Referee	48.00
	36206	Art Gutierrez	Sports Referee	64.00
	36207	Hi-Desert Water	Water Service	1,695.63
	36208	Hi-Desert Publishing	Ordinance Advertising	441.28
	36214	Jackson Lewis, LLP	Professional Services	1,889.30
	36215	The Mallants Corp	Temporary Employment Svs.	1,408.68
	36217	Brent Murphy	Sports Referee	48.00
	36219	National Notary Association	Notary Seminar Training Fee	303.00
	36220	Jahal Noel	Sports Referee	104.00
	36221	Oasis Office Supply	Office Supplies	948.97
	36222	OnTrac	Delivery Service	8.94
	36224	Public Agency Retirement Services	Dec 2011 Trust Administrator	300.00
	36226	Petty Cash-Maureen Randall	Museum Petty Cash	218.11
	36229	Lynne Richardson	Seminar Expense	333.00
	36230	Whitney Rodriguez	Sports Referee	12.00
	36232	S & S Worldwide	Recreation Program Expense	266.49
	36234	County of San Bernardino EDA	State of the County 2012	50.00
	36235	SBCO-Vehicle Services	Fleet Vehicle Inspections	472.35
	36236	San Bernardino County	City/County Conference	1,197.00
	36237	SBCO - Information Services	01/12 Radio Access	2,037.00
	36238	SCE	Electric Service	6,143.55
	36240	Secretary of State	Notary Exam Fee	40.00
	36241	Signs by Wanda	Signage	26.93
	36242	Simplot Partners, Inc.	Parks Maintenance & Supplies	64.09
	36243	Lee Slack	Sports Referee	52.00
	36244	Southwest Networks, Inc.	Technology Equipment	6,857.15
	36245	Sprint	Phone Service	8.59
	36246	Stater Bros	Recreation Program Expense	104.27
	36248	Trophy Express	Recreation & Sports Programs	451.26

Town of Yucca Valley
Warrant Register
February 23, 2012

Fund	Check #	Vendor	Description	Amount
	36249	Uline	Museum Shop Supplies	49.00
	36250	USA Golf Displays	Museum Shop Merchandise	100.00
	36252	Vagabond Welding Supply	Recreation Program Expense	75.43
	36254	VCA Yucca Valley Animal Hospital	Veterinary Services	374.00
	36256	Valley Independent	Health Fair Printing Expense	331.22
	36257	Walmart Community	Museum Supplies	391.39
	36260	Woods Auto Repair	Fleet Vehicle Repairs & Smog	928.91
	36261	Guy Wulf	Sports Referee	132.00
	36262	Yucca Rentals	Equipment Rental	49.50
	36263	Yucca Valley Quick Lube	Vehicle Maintenance	35.55
	36264	Yucca Valley Mirror & Glass	Town Hall Door Sweeps	77.58
	EFT	The Home Depot	Facilities Maintenance	496.08
	EFT	The Home Depot	Facilities Maintenance	728.51
Total 001 GENERAL FUND				\$51,423.50
100 INTERNAL SERVICE FUND				
	36204	GE Capital Corporation	Shelter Copier Service	\$227.34
Total 100 INTERNAL SERVICE FUND				\$227.34
200 DEPOSITS FUND				
	36180	Architectronix, Inc.	Deposit Account Refund	\$155.17
	36183	Barr Lumber, Inc.	Deposit Account Refund	3,082.25
	36185	Robert Billings	Deposit Account Refund	1,991.21
	36188	CALOTSFORSALE.com., LLC	Deposit Account Refund	2,016.00
	36193	Curtis Corum	Deposit Account Refund	538.66
	36195	DRS Development	Deposit Account Refund	4,339.23
	36200	FedEx	Delivery Service	37.70
	36202	Larry Fluet	Deposit Account Refund	890.00
	36209	Tim Humphreville	Deposit Account Refund	1,247.64
	36210	JLT Transportation	Deposit Account Refund	1,173.46
	36211	James or Karen Johnson	Deposit Account Refund	624.00
	36212	David Junker	Deposit Account Refund	312.00
	36213	Soon Kim	Deposit Account Refund	1,261.35
	36218	Robert Murphy	Deposit Account Refund	173.50
	36227	Ramagon Investments	Deposit Account Refund	354.31
	36231	Rondel Enterprises	Deposit Account Refund	1,718.87
	36233	Sarama, LLC	Deposit Account Refund	3,980.25
	36239	Daniel Seagondollar	Deposit Account Refund	3,001.00
	36247	T-Mobile	Deposit Account Refund	2,551.97
	36251	Anthony Vacarro	Deposit Account Refund	2,355.62
	36253	Valley Community Chapel	Deposit Account Refund	781.62
	36255	Verizon Wireless	Deposit Account Refund	1,613.49
	36259	Winnelson Co.	Deposit Account Refund	1,672.65
Total 200 DEPOSITS FUND				\$35,871.95
300 QUIMBY/IN LIEN FEE FUND				
	36223	Howard Parrett	Undergrounding Fee Refund	\$19,390.42
Total 300 QUIMBY/IN LIEN FEE FUND				\$19,390.42

Town of Yucca Valley
Warrant Register
February 23, 2012

Fund	Check #	Vendor	Description	Amount
513	AB2928	STATE CONSTRUCTION FUND		
	36258	Willdan Associates	TCRP Project	\$8,281.33
Total 513	AB2928	STATE CONSTRUCTION FUND		\$8,281.33
515	GAS TAX FUND			
	36179	AlSCO/American Linen, Inc.	Street Uniforms Service	\$106.56
	36207	Hi-Desert Water	Water Service	247.12
	36238	SCE	Electric Service	512.36
	36265	Ficara Paving Co., Inc.	Class II Road Base	1,650.00
Total 515	GAS TAX FUND			\$2,516.04
522	MEASURE MAJOR ARTERIAL FUND			
	36200	FedEx	Delivery Service	\$24.86
Total 522	MEASURE MAJOR ARTERIAL FUND			\$24.86
523	MEASURE I LOCAL ROADS FUND			
	36200	FedEx	Delivery Service	\$24.86
Total 523	MEASURE I LOCAL ROADS FUND			\$24.86
524	MEASURE I 2010-2040 FUND			
	36238	SCE	Electric Service	\$3,926.72
Total 524	MEASURE I 2010-2040 FUND			\$3,926.72
551	HUD- JERRY LEWIS PARK FUND			
	36225	Perris Fence & Supply	SS Neighborhood Park Project	\$20.68
	36228	RHA Landscape Architect	SS Neighborhood Park Project	21,130.44
Total 551	HUD- JERRY LEWIS PARK FUND			\$21,151.12
560	CDBG Fund			
	36216	McGee Surveying, Inc.	Topographic Survey Svs.	\$2,000.00
	36200	FedEx	Delivery Service	35.01
Total 560	CDBG Fund			\$2,035.01
800	CAPITAL PROJECTS RESERVE FUND			
	36200	FedEx	Delivery Service	\$358.45
	36208	Hi-Desert Publishing	Church Street Project	433.20
Total 800	CAPITAL PROJECTS RESERVE FUND			\$791.65
***	Report Total			\$145,664.80

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Jamie Anderson, Town Clerk
Date: March 2, 2012
For Council Meeting: March 6, 2012

Subject: Traditional and Remote Caller Bingo, Ordinance

Recommendation: Introduce the Ordinance of the Town Council of the Town of Yucca Valley, California, repealing Chapter 17 of Division 1 of Title 4 of the San Bernardino County Code as adopted by the Town of Yucca Valley, and adding Chapter 5.30 to Title 5 of the Town of Yucca Valley Municipal Code regarding Traditional and Remote Caller Bingo.

Executive Summary

Senate Bill 1369 (Cedillo and Battin), enacted the California Remote Caller Bingo Act (Act) to authorize eligible nonprofit organizations to conduct remote caller bingo as a means to raise funds for their charitable purpose. The Yucca Valley Elks Lodge 2314 has approached the Town requesting the ability to conduct Remote Caller Bingo games.

Order of Procedure:

- Request Staff Report
Request Public Comment
Council Discussion/Questions of Staff
Motion/Second
Discussion on Motion
Call the Question (roll call vote)

Discussion: The Town has issued bingo licenses to charitable organizations under the County ordinance adopted at incorporation in 1991. The ordinance has not been updated since that time, and did not allow for Remote Caller Bingo. Remote Caller Bingo allows charitable organizations to join a linked bingo game with other like charitable organizations that offer prizes to winners while, at the same time, allowing organizations to raise funds. Up to 37% of the proceeds go to the prize purse, and the remainder goes to charity. As the number of players and host locations increase, so does the ability to raise funds.

Reviewed By:

Town Manager (signature)

Town Attorney (signature)

Admin Services (signature)

Dept Head (signature)

- X Department Report, X Ordinance Action, Resolution Action, Public Hearing, Consent, Minute Action, Receive and File, Study Session

Bingo games may only be conducted by an organization that is exempted from payment of the taxes imposed under the Corporation Tax Law by Section 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, or 23701w of the Revenue and Taxation Code; a mobilehome park association; a senior citizens organization; and charitable organizations affiliated with a school district. The organization conducting the game shall have been incorporated or in existence for three years or more. Receipts of the game shall be used only for charitable purposes.

Alternatives: Do not introduce the Ordinance

Fiscal impact: Undetermined at this time. Presently Bingo licenses are issued at a cost of \$28.00 for the initial license with a \$10.00 per year renewal. Applications are signed off by the Sheriff's Department before issuance.

Attachments: Proposed Ordinance
Penal Code Sections 326.3 through 326.5
Article IV, section 19, California Constitution

ORDINANCE NO.

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING CHAPTER 17 OF DIVISION 1 OF TITLE 4 OF THE SAN BERNARDINO COUNTY CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY, AND ADDING CHAPTER 5.30 TO TITLE 5 OF THE TOWN OF YUCCA VALLEY MUNICIPAL CODE, REGARDING TRADITIONAL AND REMOTE CALLER BINGO

THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 11 of Division 1 of Title 4 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby repealed.

Section 2. The Town Council of the Town of Yucca Valley finds as follows:

1. The Town of Yucca Valley wishes to permit traditional bingo as provided in this Ordinance and in compliance with the requirements of California Constitution Article IV, §19 and Penal Code Section 326.5; and
2. The Town of Yucca Valley wishes to permit remote caller bingo as provided in this Ordinance and in compliance with Penal Code Section 326.3.

Section 3. Chapter 5.30 of Title 5 of the Yucca Valley Municipal Code is hereby added to read in full as set forth in the attached Exhibit "A", which is incorporated by this reference.

Section 4. If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Town Council hereby declares that it would have adopted this Ordinance and each section, sub-section, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases or portions could be declared invalid or unconstitutional.

Section 5. Within fifteen (15) days after its adoption, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the California Government Code.

Section 6. This Ordinance shall become effective thirty (30) days from the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2012

MAYOR

ATTEST:

APPROVED AS TO FORM AND CONTENT:

TOWN CLERK

TOWN ATTORNEY

Exhibit "A"

Chapter 5.30, Bingo

Section 5.30.010 – Definitions

Section 5.30.020 – Conduct of Bingo Games, Traditional and Remote-Caller

Section 5.30.030 – Additional Provisions for the Conduct of Remote Caller Bingo Games

Section 5.30.040 – Remote caller bingo authorization

Section 5.30.050 – License

Section 5.30.060 – Summary Suspension and Revocation

Section 5.30.010 – Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bingo: means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conforms to numbers or symbols selected at random.

Mobile Home Park Association: means an organization formed for the benefit of mobile home park residents which has an official name, president, and secretary and which has an address or mailbox.

Remote Caller Bingo: means bingo as defined in Penal Code Section 326.3(u)(1).

Charitable organization affiliated with a school district: means an organization formed for the benefit of a school district which has an official name, president, and secretary and which has an address or mailbox.

Senior Citizens Organization: means an organization formed for the benefit of senior citizens which has an official name, president, secretary and which has an address or mailbox.

Section 5.30.020 – Conduct of Bingo Games, Traditional and Remote-Caller

Bingo games, traditional and Remote Caller, may be conducted in the Town subject and pursuant to the following provisions, except when expressly limited to traditional (not Remote Caller) bingo games only:

- A. Bingo games shall be conducted only by organizations exempted from the payment of the bank and corporation tax by Revenue and Taxation Code §§23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, and 23701w and by charitable organizations affiliated with a school district, mobile home park associations, and senior citizens organizations, provided that the proceeds of such games are used only for charitable purposes or for reimbursement of reasonable and necessary expenses in

operating such games. Security personnel employed by the organization conducting bingo games may be paid from the revenues of bingo games as provided in subsection (J) of this section.

- B. For traditional (not Remote Caller) bingo games only, it is an infraction for any person to receive a profit, wage or salary from any bingo game authorized as provided in article IV, section 19 of the constitution of the state. Security personnel employed by the organization conducting the bingo game may be paid from the revenues of bingo games as provided in subsection (J) of this section.
- C. Violations of subsection (B) of this section shall be punishable by an administrative fine not to exceed \$10,000.00 which fine shall be deposited in the general fund of the Town. A violation of any provision of this section, other than subsection (2) of this section, is an infraction.
- D. No minor person shall be allowed to operate, work at or participate in any bingo game.
- E. A bingo game shall only be conducted on property owned or leased by an organization authorized by this section to conduct bingo games which has been in existence in the Town at least three consecutive years prior to the filing of an application for a bingo license.
- F. All bingo games shall be open to the public, not just to members of the authorized organization.
- G. A bingo game shall be operated and staffed only by members of the nonprofit, charitable organization, mobile home park association or senior citizens organization which organized it. Such members shall not receive a profit, wage or salary from any bingo game. Only the organization authorized to conduct the bingo game under this section shall operate such game or participate in the promotion, supervision or any other phase of such game.
- H. No individual, corporation, partnership or other legal entity except the organization authorized to conduct a bingo game shall hold a financial interest in the conduct of such bingo game.
- I. All profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. The licensee shall keep full and accurate records of the income and expenses received and disbursed in connection with its operation, conduct, promotion, supervision and any other phase of bingo games which are authorized by this section. The Town Auditor, in conjunction with the police department, shall have the right to examine and audit such records at any reasonable time, and the licensee shall fully cooperate with the Town by making such records

available. Such proceeds shall be used only for charitable purposes, except as described in subsection (J) of this section.

- J. All proceeds derived from a bingo game pursuant to this section:
 - 1. May be used for prizes
 - 2. A portion of such proceeds, not to exceed 20 percent of the proceeds before the deduction of prizes, or \$2,000.00 per month, whichever is less, may be used for rental of property, overhead, including the purchase of bingo equipment, administrative expenses, security equipment and security personnel.
 - 3. Such proceeds may be used to pay license fees.
 - 4. If the monthly gross receipts from bingo games of an organization within this subsection exceeds \$5,000.00, a minimum percentage of the proceeds shall be used only for charitable purposes not relating to the conducting of bingo games and the balance shall be used for prizes, rental of property, overhead, administrative expenses and payment of license fees. The amount of proceeds used for rental of property, overhead, and administrative expenses is subject to the limitations specified in subsection J(2).
- K. No bingo game shall be operated until, and unless, such organization shall have received a license authorizing it to conduct a bingo game. The annual fee for such license shall be set by the Town.
- L. For traditional (not Remote Caller) bingo games only, no person shall be allowed to participate in a bingo game pursuant to this section unless the person is physically present at the time and place in which the bingo game is being conducted.
- M. For traditional (not Remote Caller) bingo games only, the total value of prizes awarded during the conduct of any bingo game shall not exceed \$500.00 in cash or kind, or both, for each separate game which is held.
- N. For traditional (not Remote Caller) bingo games only, there shall be no more than two bingo games held during any calendar week in any one location wherein a portion of the proceeds are retained by the sponsoring organization unless the proceeds retained are to be used solely to reimburse expenses as defined in subsection (10) of this section.
- O. No organization shall conduct bingo games between the hours of 11:00 p.m. and 10:00 a.m.

- P. The games shall be conducted in compliance with Penal Code § 326.5 and all other applicable state and local laws and regulations, expressly including, but not limited to, all applicable administrative and management agreements.

Section 5.30.030 – Additional Provisions for the Conduct of Remote Caller Bingo Games

Remote caller bingo games may be conducted in the Town subject and pursuant to the following provisions:

- A. Remote caller bingo games may be conducted by any organization eligible to receive a traditional bingo license pursuant to Section 5.03.020 if:
1. The organization possesses a valid traditional bingo license issued pursuant to Section 5.30.030
 2. The organization has been incorporated or in existence for three consecutive years or more; and
 3. The organization obtains approval from the Sheriff's Captain as provided in section 5.30.040.
- B. Remote caller bingo games shall be conducted in compliance with Penal Code §§ 326.3 and 326.4 and all other applicable local and state laws and regulations.
- C. Remote caller bingo games shall not be conducted by any licensee on more than two days during any week, except that a licensee may hold one additional game, at its election, in each calendar quarter.
- D. In addition to the requirements of subsection section 5.30.030 (I), the licensee shall submit copies of any state-mandated audits, including, but not limited to, those required pursuant to Penal Code § 326.3(w)(2), to the Sheriff's Captain within five (5) days of their submission to the applicable state agency.
- E. Except as authorized by Penal Code § 326.3, it is a misdemeanor for any person to receive a profit, wage or salary from any remote caller bingo game authorized as provided in article IV, section 19 of the Constitution of the State.
- F. Violations of subsection (E) of this section shall be punishable by an administrative fine not to exceed \$10,000.00 which fine shall be deposited in the general fund of the Town. A violation of any provision of this section, other than subsection (E) of this section, is a misdemeanor.

Section 5.30.040 – Remote Caller Bingo Authorization.

- A. Organizations wishing to conduct remote caller bingo shall submit a request to do so to the Town Clerk, such application may be submitted at the same time as an application for a traditional bingo license pursuant to section 5.30.050. The request

shall be accompanied by any information reasonably necessary to permit the Sheriff's Captain to determine that the proposed remote caller bingo operation and games will be conducted in compliance with this section and all other applicable state and local laws and regulations, expressly including, but not limited to all applicable administrative and management agreements.

- B. Notwithstanding anything to the contrary in subsection (a), any organization possessing a valid traditional bingo license issued pursuant to section 5.30.050 may submit a request for authorization to conduct remote caller bingo games at any time. However, such requests shall be accompanied by a nonrefundable filing fee in an amount determined by resolution of the council from time to time. The request shall also be accompanied by any information reasonably necessary to permit the Sheriff's Captain to determine that the proposed remote caller bingo operation and games will be conducted in compliance with this article and all applicable state laws and regulations.
- C. Approvals to conduct remote caller bingo issued pursuant to this section shall be valid until the end of the calendar year in which they were issued or the expiration of the traditional bingo license that the approval was incorporated into or attached to, whichever is earlier. A new approval granted creates no vested right on the part of the licensee to continue to offer remote caller bingo for play. The Town Council expressly reserves the right to amend or repeal this section at any time. If this section is repealed, all approvals granted pursuant to this article shall cease to be effective for any purpose on the effective date of the repealing legislation.
- D. In the event an organization only wishes to conduct remote caller bingo games, it shall not be required to undergo the investigations required pursuant to section 5.30.050(D) provided it obtains and maintains all necessary state licenses and registrations required by Penal Code § 326.3 and submits copies of such licenses and registrations with its application pursuant to this section. Any organization exempt from Town investigations pursuant to this subsection shall only conduct remote caller bingo games and shall not conduct traditional bingo games pursuant to section 5.30.020.

Section 5.30.050 – License

- A. The application for a license for the conduct of bingo games, whether traditional or remote caller, shall be upon a form prescribed by the Town, and shall be accompanied by written evidence of the exemption of the organization from the payment of the bank and corporation tax by applicable state law and payment of the license fee as set by resolution of the Town Council, which shall not exceed the maximum amount permitted pursuant to Penal Code § 326.5(1)(1). The following documentation shall be attached to the application, as applicable:

1. A certificate issued by the Franchise Tax Board certifying that the applicant is exempt from the payment of the taxes imposed under the Corporation Tax Law pursuant to Section 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, or 23701w of the Revenue and Taxation Code. In lieu of a certificate issued by the Franchise Tax Board, the Sheriff's Captain may refer to the Franchise Tax Board's Internet Web site to verify that the applicant is exempt from the payment of the taxes imposed under the Corporation Tax Law.
2. Other evidence as the Sheriff's Captain determines is necessary to verify that the applicant is a duly organized mobile home park association of a mobile home park situated in the Town.

The license shall not be issued until the Sheriff's Captain has verified the facts stated in the application and determined that the applicant is qualified.

- B. A license issued pursuant to this section shall be valid for one year, at which time the license shall expire. A new license shall only be obtained upon filing a new application and payment of the license fee. The fact that a license has been issued to an applicant creates no vested right on the part of the licensee to continue to offer bingo for play. The Town of Yucca Valley expressly reserves the right to amend or repeal this section at any time by ordinance or resolution. If this chapter is repealed, all licenses issued pursuant to this section shall cease to be effective for any purpose on the effective date of the repealing ordinance or resolution.
- C. Upon receipt of the completed application and the fee, the Town Clerk shall refer the application to interested departments of the Town, including but not limited to the Town Manager, Town Attorney, Planning Department and the Sheriff's Department, for investigation as to whether or not all the statements in the application are true and whether or not the property of the applicant qualifies, and the extent to which it qualifies, as property on which bingo games may lawfully be conducted.
- D. For traditional bingo only, upon receipt of an application, or whenever there is a change of officers of the organization or in the position of game manager, the Sheriff's Captain shall make an investigation regarding the character and moral fitness of applicants, the cost of which investigation shall be borne in whole or in part by the applicants in an amount set by resolution of the Town Council. This investigation shall include the obtaining of criminal history statements, through fingerprints, for all officers/board members and game manager(s) associated with the day-to-day operation of the game. The cost of this check shall be borne by the applicant as provided in Penal Code § 326.5(1)(2). The purpose of this investigation is to determine those persons who have been convicted of crimes involving lotteries, gambling, larceny, perjury, bribery, extortion, fraud or similar crimes involving moral turpitude. If any person investigated does in fact have a criminal record, or presents any cause for concern related to the community's public health, peace, safety, or welfare, such

person shall be notified in writing and the license suspended until such person is removed from the application or does not participate in bingo operations. Such person shall not, at any time in the future, be permitted to participate in any way in any bingo operation licensed under this article. Any person objecting to the Sheriff's Captain's determination pursuant to this subsection may appeal to the Town Manager or designee provided he or she files a notice of appeal with the Town Clerk within (10) days of the Captain's determination.

- E. Upon initial application, yearly renewals and change in organizational officers/board members or game managers, the Sheriff's Department shall meet with organizations holding bingo licenses to review existing laws and Town ordinances regulating bingo operations and to answer questions that may arise.
- F. Licenses are not transferable, and there are no rebates if the bingo operation licensed under this article is discontinued during the period for which the license was issued.

Section 5.30.060 – Summary Suspension and Revocation

- A. In addition to any other penalty provided by law, whenever it appears to the Sheriff's Captain that the licensee, whether of traditional or remote caller bingo, is conducting a bingo game in violation of any of the provisions of this chapter, the Sheriff's Captain shall have the authority to summarily suspend the license and order the licensee to immediately cease and desist any further operation of any bingo game.
 - 1. Any such order shall be in writing and personally served upon the licensee. any violation of this chapter shall constitute cause for the revocation of the organization's bingo license or remote caller bingo approval by the Sheriff's Captain. Any person objecting to the Sheriff's Captain's determination pursuant to this subsection may appeal to the Town Manager or designee provide he/she files a notice of appeal with the Town Clerk within ten (10) days of the Sheriff's Captain's determination.
 - 2. Any person who continues to conduct a bingo game after any summary suspension thereof under section 5.30.060(A) shall be deemed guilty of a misdemeanor.
 - 3. The order issued under section 5.30.060(A) shall also notify the licensee that it shall have five days from the date of such order to request a hearing to determine whether such license shall be revoked. Failure to request, in writing, such hearing before the Town Manager within said five-day period shall result in a revocation of the license.
 - 4. Upon such request by the licensee whose license has been suspended under section 5.30.060(A) for a hearing to determine whether such license shall be revoked, the Town Manager shall provide such hearing within ten days after receipt of such request at which hearing the suspended licensee may appear before the Town

Manager. No license shall be revoked under this section unless notice of the time and place of such hearing shall have first been given at least five days before the hearing thereof by depositing in the United States mail a notice directed to said suspended licensee at the address given in the application. The notice shall set forth a summary of the ground advanced as the basis of the suspension and revocation. The licensee shall be afforded the opportunity to present evidence why the license should not be revoked. The licensee shall be entitled to be represented by counsel.

5. At the close of the hearing, the Town Manager shall render a decision. If the Town Manager decides that the license should be revoked, a written notice thereof shall be personally served upon the licensee. Said written notice shall contain a clear and concise statement of the ground for revocation and a statement that the licensee has a right to appeal the decision to the Town Council.
 6. Any organization whose license is revoked under this section shall not conduct any bingo game in the Town until such time as the Town Council, on appeal by the licensee, determines to overrule the decision of the Town Manager.
- B. Whenever it appears to the Town Manager that the licensee is conducting bingo games in violation of any of the provisions of this division, or that the license was obtained by fraudulent representation and no summary suspension is ordered under section 5.30.060(A), the license may be revoked; provided, however, the licensee shall have the opportunity to appear at a hearing conducted by the Town Manager.
1. No license shall be revoked under this section unless written notice shall have been given at least five days before the hearing thereof by depositing in the United States mail a notice directed to said licensee at the address given in the application. The notice shall set forth a summary of the ground advanced as the basis of the revocation. The licensee shall be afforded the opportunity to present evidence why the license should not be revoked. The licensee shall be entitled to be represented by counsel.
 2. At the close of the hearing, the Town Manager shall render a decision. If the Town Manager decides that the license should be revoked, a written notice thereof shall be personally served upon the licensee. Said written notice shall contain a clear and concise statement of the ground for revocation and a statement that the licensee has a right to appeal the decision to the Town Council.
 3. Any organization whose license is revoked under this section shall not conduct any bingo game in the Town until such time as the Town Council, on appeal by the licensee, determines to overrule the decision of the Town Manager.
- C. Any licensee whose license is revoked pursuant to section 5.30.060(A) or 5.30.060(B) shall have the right, within ten days after receiving notice in writing of the revocation,

to file a written appeal to the Town Council with the Town Clerk. Such appeal shall set forth the specific ground(s) on which it is based. The Town Council shall hold a hearing on the appeal within 30 days after its receipt by the Town Clerk, or at a time thereafter agreed upon by the appellant and shall cause the appellant to be given at least ten days' written notice of such hearing. At the hearing, the appellant or its authorized representative shall have the right to present evidence and a written or oral argument, or both, in support of its appeal. The determination of the Town Council on the appeal shall be final.

- D. Any organization whose license is finally revoked may not again apply for license to conduct bingo games in the Town of Yucca Valley for a period of one year from the date of such revocation; provided, however, if the ground for revocation is cancellation of the exemption granted under Revenue and Taxation Code § 23701(d), such organization may again apply for a license upon proof of reinstatement of said exemption.

brought by the Attorney General, or by any district attorney, in the name of the state. Upon the filing of the information or complaint, the clerk of the court must issue an attachment against the property mentioned in the complaint or information, which attachment has the same force and effect against such property, and is issued in the same manner as attachments issued from the superior courts in civil cases.

326. Every person who lets, or permits to be used, any building or vessel, or any portion thereof, knowing that it is to be used for setting up, managing, or drawing any lottery, or for the purpose of selling or disposing of lottery tickets, is guilty of a misdemeanor.

326.3. (a) The Legislature finds and declares all of the following:

(1) Nonprofit organizations provide important and essential educational, philanthropic, and social services to the people of the State of California.

(2) One of the great strengths of California is a vibrant nonprofit sector.

(3) Nonprofit and philanthropic organizations touch the lives of every Californian through service and employment.

(4) Many of these services would not be available if nonprofit organizations did not provide them.

(5) There is a need to provide methods of fundraising to nonprofit organizations to enable them to provide these essential services.

(6) Historically, many nonprofit organizations have used charitable bingo as one of their key fundraising strategies to promote the mission of the charity.

(7) Legislation is needed to provide greater revenues for nonprofit organizations to enable them to fulfill their charitable purposes, and especially to meet their increasing social service obligations.

(8) Legislation is also needed to clarify that existing law requires that all charitable bingo must be played using a tangible card and that the only permissible electronic devices to be used by charitable bingo players are card-minding devices.

(b) Neither the prohibition on gambling in this chapter nor in Chapter 10 (commencing with Section 330) applies to any remote caller bingo game that is played or conducted in a city, county, or city and county pursuant to an ordinance enacted under Section 19 of Article IV of the California Constitution, if the ordinance allows a remote caller bingo game to be played or conducted only in accordance with this section, including the following requirements:

(1) The game may be conducted only by the following organizations:

(A) An organization that is exempted from the payment of the taxes imposed under the Corporation Tax Law by Section 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, or 23701w of the

Revenue and Taxation Code.

(B) A mobilehome park association.

(C) A senior citizens organization.

(D) Charitable organizations affiliated with a school district.

(2) The organization conducting the game shall have been incorporated or in existence for three years or more.

(3) The organization conducting the game shall be licensed pursuant to subdivision (1) of Section 326.5.

(4) The receipts of the game shall be used only for charitable purposes. The organization conducting the game shall determine the disbursement of the net receipts of the game.

(5) The operation of bingo may not be the primary purpose for which the organization is organized.

(c) (1) A city, county, or city and county may adopt an ordinance in substantially the following form to authorize remote caller bingo in accordance with the requirements of subdivision (b):

Sec. __.01. Legislative Authorization.

This chapter is adopted pursuant to Section 19 of Article IV of the California Constitution, as implemented by Sections 326.3 and 326.4 of the Penal Code.

Sec. __.02. Remote Caller Bingo Authorized.

Remote Caller Bingo may be lawfully played in the [City, County, or City and County] pursuant to the provisions of Sections 326.3 and 326.4 of the Penal Code, and this chapter, and not otherwise.

Sec. __.03. Qualified Applicants: Applicants for Licensure.

(a) The following organizations are qualified to apply to the License Official for a license to operate a bingo game if the receipts of those games are used only for charitable purposes:

(1) An organization exempt from the payment of the taxes imposed under the Corporation Tax Law by Section 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, or 23701w of the Revenue and Taxation Code.

(2) A mobile home park association of a mobile home park that is situated in the [City, County, or City and County].

(3) Senior citizen organizations.

(4) Charitable organizations affiliated with a school district.

(b) The application shall be in a form prescribed by the License Official and shall be accompanied by a nonrefundable filing fee in an amount determined by resolution of the [Governing Body of the City, County, or City and County] from time to time. The following documentation shall be attached to the application, as applicable:

(1) A certificate issued by the Franchise Tax Board certifying that the applicant is exempt from the payment of the taxes imposed under the Corporation Tax Law pursuant to Section 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, or 23701w of the Revenue and Taxation Code. In lieu of a certificate issued by the Franchise Tax Board, the License Official may refer to the Franchise Tax Board's Internet Web site to verify that the applicant is exempt from the payment of the taxes imposed under the Corporation Tax Law.

(2) Other evidence as the License Official determines is necessary to verify that the applicant is a duly organized mobile home park association of a mobile home park situated in the [City, County, or City and County].

Sec. __.04. License Application: Verification.

The license shall not be issued until the License Official has verified the facts stated in the application and determined that the applicant is qualified.

Sec. __.05. Annual Licenses.

A license issued pursuant to this chapter shall be valid until the end of the calendar year, at which time the license shall expire. A new license shall only be obtained upon filing a new application and payment of the license fee. The fact that a license has been issued to an applicant creates no vested right on the part of the licensee to continue to offer bingo for play. The [Governing Body of the City, County, or City and County] expressly reserves the right to amend or repeal this chapter at any time by resolution. If this chapter is repealed, all licenses issued pursuant to this chapter shall cease to be effective for any purpose on the effective date of the repealing resolution.

Sec. __.06. Conditions of Licensure.

(a) Any license issued pursuant to this chapter shall be subject to the conditions contained in Sections 326.3 and 326.4 of the Penal Code, and each licensee shall comply with the requirements of those provisions.

(b) Each license issued pursuant to this chapter shall be subject to the following additional conditions:

(1) Bingo games shall not be conducted by any licensee on more than two days during any week, except that a licensee may hold one additional game, at its election, in each calendar quarter.

(2) The licensed organization is responsible for ensuring that the conditions of this chapter and Sections 326.3 and 326.4 of the Penal Code are complied with by the organization and its officers and members. A violation of any one or more of those conditions or provisions shall constitute cause for the revocation of the organization's license. At the request of the organization, the [Governing Body of the City, County, or City and County] shall hold a public hearing before revoking any license issued pursuant to this chapter.

(2) Nothing in this section shall require a city, county, or city and county to use this model ordinance in order to authorize remote caller bingo.

(d) It is a misdemeanor for any person to receive or pay a profit, wage, or salary from any remote caller bingo game, provided that administrative, managerial, technical, financial, and security personnel employed by the organization conducting the bingo game may be paid reasonable fees for services rendered from the revenues of bingo games, as provided in subdivision (m), except that fees paid under those agreements shall not be determined as a percentage of

receipts or other revenues from, or be dependant on the outcome of, the game.

(e) A violation of subdivision (d) shall be punishable by a fine not to exceed ten thousand dollars (\$10,000), which fine shall be deposited in the general fund of the city, county, or city and county that enacted the ordinance authorizing the remote caller bingo game. A violation of any provision of this section, other than subdivision (d), is a misdemeanor.

(f) The city, county, or city and county that enacted the ordinance authorizing the remote caller bingo game, or the Attorney General, may bring an action to enjoin a violation of this section.

(g) No minors shall be allowed to participate in any remote caller bingo game.

(h) A remote caller bingo game shall not include any site that is not located within this state.

(i) An organization authorized to conduct a remote caller bingo game pursuant to subdivision (b) shall conduct the game only on property that is owned or leased by the organization, or the use of which is donated to the organization. Nothing in this subdivision shall be construed to require that the property that is owned or leased by, or the use of which is donated to, the organization be used or leased exclusively by, or donated exclusively to, that organization.

(j) (1) All remote caller bingo games shall be open to the public, not just to the members of the authorized organization.

(2) No more than 750 players may participate in a remote caller bingo game in a single location.

(3) If the Governor of California or the President of the United States declares a state of emergency in response to a natural disaster or other public catastrophe occurring in California, an organization authorized to conduct remote caller bingo games may, while that declaration is in effect, conduct a remote caller bingo game pursuant to this section with more than 750 participants in a single venue if the net proceeds of the game, after deduction of prizes and overhead expenses, are donated to or expended exclusively for the relief of the victims of the disaster or catastrophe, and the organization gives the California Gambling Control Commission at least 10 days' written notice of the intent to conduct that game.

(4) An organization authorized to conduct remote caller bingo games shall provide the commission with at least 30 days' advance written notice of its intent to conduct a remote caller bingo game. That notice shall include all of the following:

(A) The legal name of the organization and the address of record of the agent upon whom legal notice may be served.

(B) The locations of the caller and remote players, whether the property is owned by the organization or donated, and if donated, by whom.

(C) The name of the licensed caller and site manager.

(D) The names of administrative, managerial, technical, financial, and security personnel employed.

(E) The name of the vendor and any person or entity maintaining the equipment used to operate and transmit the game.

(F) The name of the person designated as having a fiduciary responsibility for the game pursuant to paragraph (2) of subdivision (k).

(G) The license numbers of all persons specified in subparagraphs (A) to (F), inclusive, who are required to be licensed.

(H) A copy of the local ordinance for any city, county, or city and county in which the game will be played. The commission shall post the ordinance on its Internet Web site.

(k) (1) A remote caller bingo game shall be operated and staffed only by members of the authorized organization that organized it. Those members shall not receive a profit, wage, or salary from any remote caller bingo game. Only the organization authorized to conduct a remote caller bingo game shall operate that game, or participate in the promotion, supervision, or any other phase of a remote caller bingo game. Subject to the provisions of subdivision (m), this subdivision shall not preclude the employment of administrative, managerial, technical, financial, or security personnel who are not members of the authorized organization at a location participating in the remote caller bingo game by the organization conducting the game. Notwithstanding any other provision of law, exclusive or other agreements between the authorized organization and other entities or persons to provide services in the administration, management, or conduct of the game shall not be considered a violation of the prohibition against holding a legally cognizable financial interest in the conduct of the remote caller bingo game by persons or entities other than the charitable organization, or other entity authorized to conduct the remote caller bingo games, provided that those persons or entities obtain the gambling licenses, the key employee licenses, or the work permits required by, and otherwise comply with, Chapter 5 (commencing with Section 19800) of Division 8 of the Business and Professions Code. Fees to be paid under any such agreements shall be reasonable and shall not be determined as a percentage of receipts or other revenues from, or be dependent on the outcome of, the game.

(2) An organization that conducts a remote caller bingo game shall designate a person as having fiduciary responsibility for the game.

(1) No individual, corporation, partnership, or other legal entity, except the organization authorized to conduct or participate in a remote caller bingo game, shall hold a legally cognizable financial interest in the conduct of such a game.

(m) An organization authorized to conduct a remote caller bingo game pursuant to this section shall not have overhead costs exceeding 20 percent of gross sales, except that the limitations of this section shall not apply to one-time, nonrecurring capital acquisitions. For purposes of this subdivision, "overhead costs" includes, but is not limited to, amounts paid for rent and equipment leasing and the reasonable fees authorized to be paid to administrative, managerial, technical, financial, and security personnel employed by the organization pursuant to subdivision (d).

For the purpose of keeping its overhead costs below 20 percent of gross sales, an authorized organization may elect to deduct all or a portion of the fees paid to financial institutions for the use and processing of credit card sales from the amount of gross revenues awarded for prizes. In that case, the redirected fees for the use and processing of credit card sales shall not be included in "overhead costs" as defined in the California Remote Caller Bingo Act. Additionally, fees paid to financial institutions for the use and processing of credit card sales shall not be deducted from the proceeds retained by the charitable organization.

(n) No person shall be allowed to participate in a remote caller bingo game unless the person is physically present at the time and place where the remote caller bingo game is being conducted. A person shall be deemed to be physically present at the place where the remote caller bingo game is being conducted if he or she is present at any of the locations participating in the remote caller bingo game in accordance with this section.

(o) (1) An organization shall not cosponsor a remote caller bingo game with one or more other organizations unless one of the following is true:

(A) All of the cosponsors are affiliated under the master charter or articles and bylaws of a single organization.

(B) All of the cosponsors are affiliated through an organization described in paragraph (1) of subdivision (b), and have the same Internal Revenue Service activity code.

(2) Notwithstanding paragraph (1), a maximum of 10 unaffiliated organizations described in paragraph (1) of subdivision (b) may enter into an agreement to cosponsor a remote caller game, provided that the game shall have not more than 10 locations.

(3) An organization shall not conduct remote caller bingo more than two days per week.

(4) Before sponsoring or operating any game authorized under paragraph (1) or (2), each of the cosponsoring organizations shall have entered into a written agreement, a copy of which shall be provided to the commission, setting forth how the expenses and proceeds of the game are to be allocated among the participating organizations, the bank accounts into which all receipts are to be deposited and from which all prizes are to be paid, and how game records are to be maintained and subjected to annual audit.

(p) The value of prizes awarded during the conduct of any remote caller bingo game shall not exceed 37 percent of the gross receipts for that game. When an authorized organization elects to deduct fees paid for the use and processing of credit card sales from the amount of gross revenues for that game awarded for prizes, the maximum amount of gross revenues that may be awarded for prizes shall not exceed 37 percent of the gross receipts for that game, less the amount of redirected fees paid for the use and processing of credit card sales. Every remote caller bingo game shall be played until a winner is declared. Progressive prizes are prohibited. The declared winner of a remote caller bingo game shall provide his or her

identifying information and a mailing address to the onsite manager of the remote caller bingo game. Prizes shall be paid only by check; no cash prizes shall be paid. The organization conducting the remote caller bingo game may issue a check to the winner at the time of the game, or may send a check to the declared winner by United States Postal Service certified mail, return receipt requested. All prize money exceeding state and federal exemption limits on prize money shall be subject to income tax reporting and withholding requirements under applicable state and federal laws and regulations and those reports and withholding shall be forwarded, within 10 business days, to the appropriate state or federal agency on behalf of the winner. A report shall accompany the amount withheld identifying the person on whose behalf the money is being sent. Any game interrupted by a transmission failure, electrical outage, or act of God shall be considered void in the location that was affected. A refund for a canceled game or games shall be provided to the purchasers.

(q) (1) The California Gambling Control Commission shall regulate remote caller bingo, including, but not limited to, licensure and operation. The commission shall establish reasonable criteria regulating, and shall require the licensure of, the following:

(A) Any person who conducts a remote caller bingo game pursuant to this section, including, but not limited to, an employee, a person having fiduciary responsibility for a remote caller bingo game, a site manager, and a bingo caller.

(B) Any person who directly or indirectly manufactures, distributes, supplies, vends, leases, or otherwise provides supplies, devices, services, or other equipment designed for use in the playing of a remote caller bingo game by any nonprofit organization.

(C) Beginning January 31, 2009, or a later date as may be established by the commission, all persons described in subparagraph (A) or (B) may submit to the commission a letter of intent to submit an application for licensure. The letter shall clearly identify the principal applicant, all categories under which the application will be filed, and the names of all those particular individuals who are applying. Each charitable organization shall provide an estimate of the frequency with which it plans to conduct remote caller bingo operations, including the number of locations. The letter of intent may be withdrawn or updated at any time.

(2) (A) The Department of Justice shall conduct background investigations and conduct field enforcement as it relates to remote caller bingo consistent with the Gambling Control Act (Chapter 5 (commencing with Section 19800) of Division 8 of the Business and Professions Code) and as specified in regulations promulgated by the commission.

(B) Fees to cover background investigation costs shall be paid and accounted for in accordance with Section 19867 of the Business and Professions Code.

(3) (A) Every application for a license or approval shall be accompanied by a nonrefundable fee, the amount of which shall be adopted by the commission by regulation.

(B) Fees and revenue collected pursuant to this paragraph shall be deposited in the California Bingo Fund, which is hereby created in the State Treasury. The funds deposited in the California Bingo Fund shall be available, upon appropriation by the Legislature, for expenditure by the commission and the department exclusively for the support of the commission and department in carrying out their duties and responsibilities under this section and Section 326.5.

(C) A loan is hereby authorized from the Gambling Control Fund to the California Bingo Fund on or after January 1, 2009, in an amount of up to five hundred thousand dollars (\$500,000) to fund operating, personnel, and other startup costs incurred by the commission relating to this act. Funds from the California Bingo Fund shall be available to the commission upon appropriation by the Legislature in the annual Budget Act. The loan shall be subject to all of the following conditions:

(i) The loan shall be repaid to the Gambling Control Fund as soon as there is sufficient money in the California Bingo Fund to repay the amount loaned, but no later than five years after the date of the loan.

(ii) Interest on the loan shall be paid from the California Bingo Fund at the rate accruing to moneys in the Pooled Money Investment Account.

(iii) The terms and conditions of the loan are approved, prior to the transfer of funds, by the Department of Finance pursuant to appropriate fiscal standards.

The commission may assess and collect reasonable fees and deposits as necessary to defray the costs of regulation and oversight.

(r) The administrative, managerial, technical, financial, and security personnel employed by an organization that conducts remote caller bingo games shall apply for, obtain, and thereafter maintain valid work permits, as defined in Section 19805 of the Business and Professions Code.

(s) An organization that conducts remote caller bingo games shall retain records in connection with the remote caller bingo game for five years.

(t) (1) All equipment used for remote caller bingo shall be approved in advance by the California Gambling Control Commission pursuant to regulations adopted pursuant to subdivision (r) of Section 19841 of the Business and Professions Code.

(2) The California Gambling Control Commission shall monitor operation of the transmission and other equipment used for remote caller bingo, and monitor the game.

(u) (1) As used in this section, "remote caller bingo game" means a game of bingo, as defined in subdivision (o) of Section 326.5, in which the numbers or symbols on randomly drawn plastic balls are announced by a natural person present at the site at which the live game is conducted, and the organization conducting the bingo game uses audio and video technology to link any of its in-state facilities for the purpose of transmitting the remote calling of a live bingo game from a single location to multiple locations owned,

leased, or rented by that organization, or as described in subdivision (o) of this section. The audio or video technology used to link the facilities may include cable, Internet, satellite, broadband, or telephone technology, or any other means of electronic transmission that ensures the secure, accurate, and simultaneous transmission of the announcement of numbers or symbols in the game from the location at which the game is called by a natural person to the remote location or locations at which players may participate in the game. The drawing of each ball bearing a number or symbol by the natural person calling the game shall be visible to all players as the ball is drawn, including through a simultaneous live video feed at remote locations at which players may participate in the game.

(2) The caller in the live game must be licensed by the California Gambling Control Commission. A game may be called by a nonlicensed caller if the drawing of balls and calling of numbers or symbols by that person is observed and personally supervised by a licensed caller.

(3) Remote caller bingo games shall be played using traditional paper or other tangible bingo cards and daubers, and shall not be played by using electronic devices, except card-minding devices, as described in paragraph (1) of subdivision (p) of Section 326.5.

(4) Prior to conducting a remote caller bingo game, the organization that conducts remote caller bingo shall submit to the commission the controls, methodology, and standards of game play, which shall include, but not be limited to, the equipment used to select bingo numbers and create or originate cards, control or maintenance, distribution to participating locations, and distribution to players. Those controls, methodologies, and standards shall be subject to prior approval by the commission, provided that the controls shall be deemed approved by the commission after 90 days from the date of submission unless disapproved.

(v) A location shall not be eligible to participate in a remote caller bingo game if bingo games are conducted at that location in violation of Section 326.5 or any regulation adopted by the commission pursuant to Section 19841 of the Business and Professions Code, including, but not limited to, a location at which unlawful electronic devices are used.

(w) (1) The vendor of the equipment used in a remote caller bingo game shall have its books and records audited at least annually by an independent California certified public accountant and shall submit the results of that audit to the California Gambling Control Commission within 120 days after the close of the vendor's fiscal year. In addition, the California Gambling Control Commission may audit the books and records of the vendor at any time.

(2) An authorized organization that conducts remote caller bingo games shall provide copies of the records pertaining to those games to the California Gambling Control Commission within 30 days after the end of each calendar quarter. In addition, those records shall be audited by an independent California certified public accountant at least annually and copies of the audit reports shall be provided to

the California Gambling Control Commission within 120 days after the close of the organization's fiscal year. The audit report shall account for the annual amount of fees paid to financial institutions for the use and processing of credit card sales by the authorized organization and the amount of fees for the use and processing of credit card sales redirected from "overhead costs" and deducted from the amount of gross revenues awarded for prizes.

(3) The costs of the licensing and audits required by this section shall be borne by the person or entity required to be licensed or audited. The audit shall enumerate the receipts for remote caller bingo, the prizes disbursed, the overhead costs, and the amount retained by the nonprofit organization. The commission may audit the books and records of an organization that conducts remote caller bingo games at any time.

(4) If, during an audit, the commission identifies practices in violation of this section, the license for the audited entity may be suspended pending review and hearing before the commission for a final determination.

(5) No audit required to be conducted by the commission shall commence before January 1, 2010.

(x) (1) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(2) Notwithstanding paragraph (1), if paragraph (1) or (3) of subdivision (u), or the application of either of those provisions, is held invalid, this entire section shall be invalid.

(y) The commission shall submit a report to the Legislature, on or before January 1, 2012, on the fundraising effectiveness and regulation of remote caller bingo, and other matters that are relevant to the public interest regarding remote caller bingo.

(z) The following definitions apply for purposes of this section:

(1) "Commission" means the California Gambling Control Commission.

(2) "Person" includes a natural person, corporation, limited liability company, partnership, trust, joint venture, association, or any other business organization.

326.4. (a) Consistent with the Legislature's finding that card-minding devices, as described in subdivision (p) of Section 326.5, are the only permissible electronic devices to be used by charity bingo players, and in an effort to ease the transition to remote caller bingo on the part of those nonprofit organizations that, as of July 1, 2008, used electronic devices other than card-minding devices to conduct games in reliance on an ordinance of a city, county, or city and county that, as of July 1, 2008, expressly recognized the operation of electronic devices other than card-minding devices by organizations purportedly authorized to conduct bingo in the city, county, or city and county, there is

hereby created the Charity Bingo Mitigation Fund.

(b) The Charity Bingo Mitigation Fund shall be administered by the California Gambling Control Commission.

(c) Mitigation payments to be made by the Charity Bingo Mitigation Fund shall not exceed five million dollars (\$5,000,000) in the aggregate.

(d) (1) To allow the Charity Bingo Mitigation Fund to become immediately operable, five million dollars (\$5,000,000) shall be loaned from the accrued interest in the Indian Gaming Special Distribution Fund to the Charity Bingo Mitigation Fund on or after January 1, 2009, to make mitigation payments to eligible nonprofit organizations. Five million dollars (\$5,000,000) of this loan amount is hereby appropriated to the California Gambling Control Commission for the purposes of providing mitigation payments to certain charitable organizations, as described in subdivision (e). Pursuant to Section 16304 of the Government Code, after three years the unexpended balance shall revert back to the Charity Bingo Mitigation Fund.

(2) To reimburse the Special Distribution Fund, those nonprofit organizations that conduct a remote caller bingo game pursuant to Section 326.3 shall pay to the California Gambling Control Commission an amount equal to 5 percent of the gross revenues of each remote caller bingo game played until that time as the full advanced amount plus interest on the loan at the rate accruing to moneys in the Pooled Money Investment Account is reimbursed.

(e) (1) An organization meeting the requirements in subdivision (a) shall be eligible to receive mitigation payments from the Charity Bingo Mitigation Fund only if the city, county, or city and county in which the organization is located maintained official records of the net revenues generated for the fiscal year ending June 30, 2008, by the organization from the use of electronic devices or the organization maintained audited financial records for the fiscal year ending June 30, 2008, which show the net revenues generated from the use of electronic devices.

(2) In addition, an organization applying for mitigation payments shall provide proof that its board of directors has adopted a resolution and its chief executive officer has signed a statement executed under penalty of perjury stating that, as of January 1, 2009, the organization has ceased using electronic devices other than card-minding devices, as described in subdivision (p) of Section 326.5, as a fundraising tool.

(3) Each eligible organization may apply to the California Gambling Control Commission no later than January 31, 2009, for the mitigation payments in the amount equal to net revenues from the fiscal year ending June 30, 2008, by filing an application, including therewith documents and other proof of eligibility, including any and all financial records documenting the organization's net revenues for the fiscal year ending June 30, 2008, as the California Gambling Control Commission may require. The California Gambling Control Commission is authorized to access and examine the financial records

of charities requesting funding in order to confirm the legitimacy of the request for funding. In the event that the total of those requests exceeds five million dollars (\$5,000,000), payments to all eligible applicants shall be reduced in proportion to each requesting organization's reported or audited net revenues from the operation of electronic devices.

326.45. Up to five hundred thousand dollars (\$500,000), as determined by order of the Director of Finance, is hereby appropriated from the California Bingo Fund to the California Gambling Control Commission for use in the 2008-09 fiscal year for the purposes described in subparagraph (C) of paragraph (3) of subdivision (q) of Section 326.3.

326.5. (a) Neither the prohibition on gambling in this chapter nor in Chapter 10 (commencing with Section 330) applies to any bingo game that is conducted in a city, county, or city and county pursuant to an ordinance enacted under Section 19 of Article IV of the State Constitution, if the ordinance allows games to be conducted only in accordance with this section and only by organizations exempted from the payment of the bank and corporation tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701w, and 237011 of the Revenue and Taxation Code and by mobilehome park associations, senior citizens organizations, and charitable organizations affiliated with a school district; and if the receipts of those games are used only for charitable purposes.

(b) It is a misdemeanor for any person to receive or pay a profit, wage, or salary from any bingo game authorized by Section 19 of Article IV of the State Constitution. Security personnel employed by the organization conducting the bingo game may be paid from the revenues of bingo games, as provided in subdivisions (j) and (k).

(c) A violation of subdivision (b) shall be punishable by a fine not to exceed ten thousand dollars (\$10,000), which fine is deposited in the general fund of the city, county, or city and county that enacted the ordinance authorizing the bingo game. A violation of any provision of this section, other than subdivision (b), is a misdemeanor.

(d) The city, county, or city and county that enacted the ordinance authorizing the bingo game may bring an action to enjoin a violation of this section.

(e) No minors shall be allowed to participate in any bingo game.

(f) An organization authorized to conduct bingo games pursuant to subdivision (a) shall conduct a bingo game only on property owned or leased by it, or property whose use is donated to the organization, and which property is used by that organization for an office or for performance of the purposes for which the organization is organized. Nothing in this subdivision shall be construed to require that the

property owned or leased by, or whose use is donated to, the organization be used or leased exclusively by, or donated exclusively to, that organization.

(g) All bingo games shall be open to the public, not just to the members of the authorized organization.

(h) A bingo game shall be operated and staffed only by members of the authorized organization that organized it. Those members shall not receive a profit, wage, or salary from any bingo game. Only the organization authorized to conduct a bingo game shall operate such a game, or participate in the promotion, supervision, or any other phase of a bingo game. This subdivision does not preclude the employment of security personnel who are not members of the authorized organization at a bingo game by the organization conducting the game.

(i) No individual, corporation, partnership, or other legal entity, except the organization authorized to conduct a bingo game, shall hold a financial interest in the conduct of a bingo game.

(j) With respect to organizations exempt from payment of the bank and corporation tax by Section 23701d of the Revenue and Taxation Code, all profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Those profits shall be used only for charitable purposes.

(k) With respect to other organizations authorized to conduct bingo games pursuant to this section, all proceeds derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. Proceeds are the receipts of bingo games conducted by organizations not within subdivision (j). Those proceeds shall be used only for charitable purposes, except as follows:

(1) The proceeds may be used for prizes.

(2) (A) Except as provided in subparagraph (B), a portion of the proceeds, not to exceed 20 percent of the proceeds before the deduction for prizes, or two thousand dollars (\$2,000) per month, whichever is less, may be used for the rental of property and for overhead, including the purchase of bingo equipment, administrative expenses, security equipment, and security personnel.

(B) For the purposes of bingo games conducted by the Lake Elsinore Elks Lodge, a portion of the proceeds, not to exceed 20 percent of the proceeds before the deduction for prizes, or three thousand dollars (\$3,000) per month, whichever is less, may be used for the rental of property and for overhead, including the purchase of bingo equipment, administrative expenses, security equipment, and security personnel. Any amount of the proceeds that is additional to that permitted under subparagraph (A), up to one thousand dollars (\$1,000), shall be used for the purpose of financing the rebuilding of the facility and the replacement of equipment that was destroyed by fire in 2007. The exception to subparagraph (A) that is provided by this subparagraph shall remain in effect only until the cost of rebuilding the facility is repaid, or January 1, 2019, whichever

occurs first.

(3) The proceeds may be used to pay license fees.

(4) A city, county, or city and county that enacts an ordinance permitting bingo games may specify in the ordinance that if the monthly gross receipts from bingo games of an organization within this subdivision exceed five thousand dollars (\$5,000), a minimum percentage of the proceeds shall be used only for charitable purposes not relating to the conducting of bingo games and that the balance shall be used for prizes, rental of property, overhead, administrative expenses, and payment of license fees. The amount of proceeds used for rental of property, overhead, and administrative expenses is subject to the limitations specified in paragraph (2).

(1) (1) A city, county, or city and county may impose a license fee on each organization that it authorizes to conduct bingo games. The fee, whether for the initial license or renewal, shall not exceed fifty dollars (\$50) annually, except as provided in paragraph (2). If an application for a license is denied, one-half of any license fee paid shall be refunded to the organization.

(2) In lieu of the license fee permitted under paragraph (1), a city, county, or city and county may impose a license fee of fifty dollars (\$50) paid upon application. If an application for a license is denied, one-half of the application fee shall be refunded to the organization. An additional fee for law enforcement and public safety costs incurred by the city, county, or city and county that are directly related to bingo activities may be imposed and shall be collected monthly by the city, county, or city and county issuing the license; however, the fee shall not exceed the actual costs incurred in providing the service.

(m) No person shall be allowed to participate in a bingo game, unless the person is physically present at the time and place where the bingo game is being conducted.

(n) The total value of prizes available to be awarded during the conduct of any bingo games shall not exceed five hundred dollars (\$500) in cash or kind, or both, for each separate game which is held.

(o) As used in this section, "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols that are marked or covered by the player on a tangible card in the player's possession and that conform to numbers or symbols, selected at random and announced by a live caller. Notwithstanding Section 330c, as used in this section, the game of bingo includes tangible cards having numbers or symbols that are concealed and preprinted in a manner providing for distribution of prizes. Electronics or video displays shall not be used in connection with the game of bingo, except in connection with the caller's drawing of numbers or symbols and the public display of that drawing, and except as provided in subdivision (p). The winning cards shall not be known prior to the game by any person participating in the playing or operation of the bingo game. All preprinted cards shall bear the legend, "for sale or use only in a bingo game authorized under

California law and pursuant to local ordinance." Only a covered or marked tangible card possessed by a player and presented to an attendant may be used to claim a prize. It is the intention of the Legislature that bingo as defined in this subdivision applies exclusively to this section and shall not be applied in the construction or enforcement of any other provision of law.

(p) (1) Players who are physically present at a bingo game may use hand-held, portable card-minding devices, as described in this subdivision, to assist in monitoring the numbers or symbols announced by a live caller as those numbers or symbols are called in a live game. Card-minding devices may not be used in connection with any game where a bingo card may be sold or distributed after the start of the ball draw for that game. A card-minding device shall do all of the following:

(A) Be capable of storing in the memory of the device bingo faces of tangible cards purchased by a player.

(B) Provide a means for bingo players to input manually each individual number or symbol announced by a live caller.

(C) Compare the numbers or symbols entered by the player to the bingo faces previously stored in the memory of the device.

(D) Identify winning bingo patterns that exist on the stored bingo faces.

(2) A card-minding device shall perform no functions involving the play of the game other than those described in paragraph (1).

Card-minding devices shall not do any of the following:

(A) Be capable of accepting or dispensing any coins, currency, or other representative of value or on which value has been encoded.

(B) Be capable of monitoring any bingo card face other than the faces of the tangible bingo card or cards purchased by the player for that game.

(C) Display or represent the game result through any means, including, but not limited to, video or mechanical reels or other slot machine or casino game themes, other than highlighting the winning numbers or symbols marked or covered on the tangible bingo cards or giving an audio alert that the player's card has a prize-winning pattern.

(D) Determine the outcome of any game or be physically or electronically connected to any component that determines the outcome of a game or to any other bingo equipment, including, but not limited to, the ball call station, or to any other card-minding device. No other player-operated or player-activated electronic or electromechanical device or equipment is permitted to be used in connection with a bingo game.

(3) (A) A card-minding device shall be approved in advance by the commission as meeting the requirements of this section and any additional requirements stated in regulations adopted by the commission. Any proposed material change to the device, including any change to the software used by the device, shall be submitted to the commission and approved by the commission prior to implementation.

(B) In accordance with Chapter 5 (commencing with Section 19800)

of Division 8 of the Business and Professions Code, the commission shall establish reasonable criteria for, and require the licensure of, any person that directly or indirectly manufactures, distributes, supplies, vends, leases, or otherwise provides card-minding devices or other supplies, equipment, or services related to card-minding devices designed for use in the playing of bingo games by any nonprofit organization.

(C) A person or entity that supplies or services any card-minding device shall meet all licensing requirements established by the commission in regulations.

(4) The costs of any testing, certification, license, or determination required by this subdivision shall be borne by the person or entity seeking it.

(5) On and after January 1, 2010, the commission and the Department of Justice may inspect all card-minding devices at any time without notice, and may immediately prohibit the use of any device that does not comply with the requirements of subdivision (r) of Section 19841 of the Business and Professions Code. The Department of Justice may at any time, without notice, impound any device the use of which has been prohibited by the commission.

(6) The California Gambling Control Commission shall issue regulations to implement the requirements of this subdivision and may issue regulations regarding the means by which the operator of a bingo game, as required by applicable law, may offer assistance to a player with disabilities in order to enable that player to participate in a bingo game, provided that the means of providing that assistance shall not be through any electronic, electromechanical, or other device or equipment that accepts the insertion of any coin, currency, token, credit card, or other means of transmitting value, and does not constitute or is not a part of a system that constitutes a video lottery terminal, slot machine, or device prohibited by Chapter 10 (commencing with Section 330).

(7) The following definitions apply for purposes of this subdivision:

(A) "Commission" means the California Gambling Control Commission.

(B) "Person" includes a natural person, corporation, limited liability company, partnership, trust, joint venture, association, or any other business organization.

327. Every person who contrives, prepares, sets up, proposes, or operates any endless chain is guilty of a public offense, and is punishable by imprisonment in the county jail not exceeding one year or in state prison for 16 months, two, or three years.

As used in this section, an "endless chain" means any scheme for the disposal or distribution of property whereby a participant pays a valuable consideration for the chance to receive compensation for introducing one or more additional persons into participation in the scheme or for the chance to receive compensation when a person

CALIFORNIA CONSTITUTION

ARTICLE 4 LEGISLATIVE

SEC. 19. (a) The Legislature has no power to authorize lotteries, and shall prohibit the sale of lottery tickets in the State.

(b) The Legislature may provide for the regulation of horse races and horse race meetings and wagering on the results.

(c) Notwithstanding subdivision (a), the Legislature by statute may authorize cities and counties to provide for bingo games, but only for charitable purposes.

(d) Notwithstanding subdivision (a), there is authorized the establishment of a California State Lottery.

(e) The Legislature has no power to authorize, and shall prohibit, casinos of the type currently operating in Nevada and New Jersey.

(f) Notwithstanding subdivisions (a) and (e), and any other provision of state law, the Governor is authorized to negotiate and conclude compacts, subject to ratification by the Legislature, for the operation of slot machines and for the conduct of lottery games and banking and percentage card games by federally recognized Indian tribes on Indian lands in California in accordance with federal law. Accordingly, slot machines, lottery games, and banking and percentage card games are hereby permitted to be conducted and operated on tribal lands subject to those compacts.

(f) Notwithstanding subdivision (a), the Legislature may authorize private, nonprofit, eligible organizations, as defined by the Legislature, to conduct raffles as a funding mechanism to provide support for their own or another private, nonprofit, eligible organization's beneficial and charitable works, provided that (1) at least 90 percent of the gross receipts from the raffle go directly to beneficial or charitable purposes in California, and (2) any person who receives compensation in connection with the operation of a raffle is an employee of the private nonprofit organization that is conducting the raffle. The Legislature, two-thirds of the membership of each house concurring, may amend the percentage of gross receipts required by this subdivision to be dedicated to beneficial or charitable purposes by means of a statute that is signed by the Governor.

CALIFORNIA CONSTITUTION

ARTICLE 4 LEGISLATIVE

SEC. 20. (a) The Legislature may provide for division of the State into fish and game districts and may protect fish and game in districts or parts of districts.

(b) There is a Fish and Game Commission of 5 members appointed by the Governor and approved by the Senate, a majority of the membership

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Shane R. Stueckle, Deputy Town Manager
Date: February 29, 2012
For Council Meeting: March 6, 2012

Subject: Sign Ordinance Enforcement
 Temporary Signs, Banners & Flags for Commercial & Industrial Enterprises
 Joint Town Council & Planning Commission Meeting
 Sign Ordinance Review

Prior Council Review: At its meeting of February 1, 2011 the Town Council established a one year suspension of enforcement of time periods for temporary commercial and industrial signs. That suspension expired in February 2012.




Recommendation: That the Town Council:

1. Continues the suspension of enforcement of the time periods established for temporary commercial and industrial signs as established in Section 87.07130 (c), until the Town Council and Planning Commission convene in Joint Session to review the Sign Ordinance;
2. Directs staff to evaluate the potential for "community event and economic development" sign standards and locations within the sign regulations;
3. Directs staff to schedule a joint meeting of the Town Council and Planning Commission to discuss the existing Sign Ordinance and to provide direction to staff and the Planning Commission for preparation of revisions to the existing sign regulations with the update to the Development Code.

Executive Summary: At its meeting of February 1, 2011, the Town Council established a one year suspension of enforcement of time periods for temporary commercial and industrial signs. That suspension expired in January 2012.

Order of Procedure:

- Request Staff Report
- Request Public Comment
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Voice Vote)

Reviewed By:	 Town Manager	 Town Attorney	 Mgmt Services	SRS Dept Head
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<input type="checkbox"/> Department Report	<input type="checkbox"/> Ordinance Action	<input type="checkbox"/> Resolution Action	<input type="checkbox"/> Public Hearing
<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Minute Action	<input type="checkbox"/> Receive and File	<input checked="" type="checkbox"/> Policy Discussion

Discussion: Ordinance 156, Sign Regulations was adopted by the Town Council in September 2004. Ordinance 156 establishes sign regulations for all signs erected in the Town, both temporary and permanent. Section 87.07130 (c) regulates the time limits, types of signs and sizes allowed for temporary signs.

The Town's regulations for temporary commercial and industrial signs are as follows.

- c. **Temporary Commercial and Industrial Signs.** *Temporary commercial and industrial signs to publicize sales, new merchandise, close-outs, grand openings or other similar events may be permitted subject to the following restrictions:*
 1. *A permit may be issued for temporary signs provided that a permit may not be issued to an applicant unless a period of time has elapsed which is two (2) times the length of time that the previous sign was permitted.*
 2. *Temporary window signs may be permitted on outside facing windows if the cumulative total of any permanent and temporary signage (excluding open/close signs) does not cover more than 50% of the individual window surface.*
 3. *Special event signs may include search lights, beacons, and small balloons; however, the display of such devices shall be limited to 2 days or less or the duration of the event.*
 4. *One thirty two (32) square-foot, 8 foot-high non-illuminated freestanding sign per street frontage located on the subject property advertising a future facility/business or tenant provide the temporary sign is located ten (10) feet from any right-of-way and the sign is removed upon occupancy of the building.*
 5. **Banners and Flags:**
 - A. *No banners, flags, pennants, hulas, streamers shall be displayed without a permit.*
 - B. *One banner not exceeding sixty (60) square-feet shall be permitted to advertise a special event provided the banner is attached to the space advertising the special event in accordance with the time frames specified above. However, in lieu of a building wall banner, one-thirty-two (32) square foot of sign area may be permitted for a maximum of thirty (30) calendar days that may be located on the property to advertise seasonal sale items such as pumpkins or Christmas trees.*

- C. *The business owner/applicant shall immediately remove any banner, flag, pennant, hula and streamers determined to be tattered, torn, faded, no longer tightly attached to the building, abandoned, or non-maintained.*
- D. *Pennants, hulas, streamers and other similar devices shall be limited to fleet services (i.e. car lots). The strings on which pennants, hulas, streamers and other such devices are hung, where permitted, shall be limited in length to not more than one and one half (1/2) times the street frontage of the property or tenant/building frontage.*
- E. *Banners, flags, pennants, hulas and streamers shall not be displayed above the roof line of the building.*
- F. *One maximum fifty (50) square-foot banner identifying the name of a new business may be displayed for no more than ninety (90) days.*

The above information does not address what would be referred to as permanent signage, such as wall signs, monument signs, free standing signs, etc.

As the Council will recall, revisions to the Town's sign regulations are a part of the Development Code update. The purpose of the joint meeting with the Planning Commission is for discussion and Town Council direction to staff and the Planning Commission for addressing sign regulations with the Development Code update process.

Staff is also recommending that opportunities be evaluated for establishing "community event and economic development" sign regulations and standards. Historically and as contained within the existing sign regulations, temporary signs for community events are allowed in specified locations. The opportunity to enhance signage for community events and Town sponsored economic development activities was recently seen with the electronic reader boards placed along SR 62 and SR 247 for the Griffin King of the Hammers event.

The primary focus at the joint meeting will be directed towards the following sign ordinance regulations.

Permanent Signs:

- Maximum Sign Height
- Maximum Sign Area
- Maximum Number of Signs

Temporary Signs:

- Types of Temporary Signs
- Maximum Number of Signs
- Length of Time Allowed for Display
- Location/Placement of Temporary Signs
- Community Event and Economic Development Signs

Planning staff researched and compiled sign regulations from the Coachella and Victor Valley Communities, and that information will be available for the Council and Commission discussions at the joint meeting.

Alternatives: The Town Council may desire to identify other Sign Ordinance provisions and provide direction to staff bring back a more thorough analysis of sign ordinance issues for future Council consideration.

Fiscal impact: N/A

Attachments: Town Council Minutes, February 1, 2011
Town Council Minutes, January 19, 2010
Town Council Minutes, November 17, 2009
Sign Ordinance

Council Member Luckino moved to introduce the Ordinance amending Title 12, adding Chapter 12.50, Administrative Adjudication Procedures. Council Member Rowe seconded. Motion carried 5-0 on a roll call vote.

AYES: Council Member Hagerman, Luckino, Mayes, Rowe and Mayor Huntington
NOES: None
ABSTAIN: None
ABSENT: None

15. Sign Ordinance Enforcement, Temporary Signs, Banners & Flags for Commercial Enterprises.

Associate Planner Kirschmann advised on January 19, 2010 Town Council approved the suspension of time period limitations for temporary signs for commercial and industrial establishments for a period of one year ending January 20, 2011. Based on prior Town Council action, a temporary sign permit application and fees are required to be submitted and approved. Staff recommends extending the suspension to February 1, 2012.

Council Member Luckino commented he supports the recommendation and requested that in addition to the suspension of the time limits, that the permit fees be waived. He noted the Council should focus on issues regarding health, safety and welfare, and temporary signs do not fall into that category.

Council Member Hagerman questioned what the fees are for a temporary sign permit. Associate Planner Kirschmann advised they are \$80.00 per year. Town Manager Nuaimi added that many people who have temporary banners to date haven't obtained a permit, so there is no need to suspend the fees. He noted that staff is looking at a comprehensive strategy to make sure businesses comply with the requirements and stated there are possible health and safety implications of signs along the highway.

Mayor Huntington advised he is against elimination of the fees, noting the Town has to be able to control the process. He has already noticed that several of the banners are in disrepair and looking shabby. He agrees with suspension of the time limits for another year, but keep fees in place.

Council Member Luckino stated his issue is the fact that he law abiding citizens are going to come in to pay the fees and are going to be penalized by paying the fees when others aren't, and there is no enforcement. Town Manager Nuaimi advised that staff doesn't have an answer today as to what enforcement will be on the highway, and will come back with a comprehensive program.

Council Member Hagerman commented regarding the need to make sure the banners are the right type and placed properly.

Council Member Mayes commented that he is starting to see some of the temporary banners get in the way of the fixed signs of businesses next to them. If the Town doesn't have a sign ordinance, signs will continue to keep getting larger and larger. There is a need for standards.

Council Member Luckino suggested the business community establish something similar to development CC&R's.

Council Member Rowe questioned if businesses would still be required to get a permit if the fee is suspended. Deputy Town Manager Stueckle advised they would, noting it is the tool the Town uses to determine compliance. Council Member Rowe advised she would like to see the fee waived to help jump start small businesses, as long as they still have to obtain permits.

Council Member Luckino moved to continue to suspend enforcement of the time periods established for temporary commercial and industrial signs as established in Section 87.07130(c), including suspension of the permit fee, for a period of one year ending on February 1, 2012. Council Member Rowe seconded.

Mayor Huntington commented that the fact that businesses have to come in to get permits will cost the Town money to enforce the requirements without funding to do so. Council Member Mayes questioned how many permits were pulled this last year. Associate Planner Kirschmann advised there were 15.

Mayor Huntington commented the Town is losing the right to enforce the ordinance and inviting blight by eliminating the fee.

Motion carried 4-1 on a voice vote with Mayor Huntington voting no.

Deputy Town Manager Stueckle advised the Council will be discussing other sections of the sign ordinance during the Development Code update.

Associate Planner Kirschmann advised of other sections of the Sign Code and its policies including freestanding signs, wall signs, landmark signs, design merit sign policy, billboards, non-conforming signs, and provision for sign programs.

Deputy Town Manager Stueckle commented the primary issues looked at by sign companies and business owners are the size, height and length, allowed for signage. Currently the Town's ratio of allowable wall signage is 1 to 1 which is liberal, however

other sections may be on the low end of what should be allowed and needs to be looked at.

Council Member Hagerman cited Hutchins Motor Sports as an example of issues with the sign code noting their maximum sign allowance is less than the standard logo signs provided by the manufactures, so they have to be specially made and are very small and hard to see.

Council Member Luckino commented he doesn't believe the sign ordinance needs to be so restrictive and does need to be reviewed in totality.

Council Member Mayes commented that much of the blight along the highway is due to non conforming signs, however, there is a need to develop an amortization schedule to give new business owners time to come into compliance when they buy an existing business, instead of requiring immediate compliance when the property is sold. The question of a sign ordinance is very difficult and trying to come up with standards everyone is going to agree with is doubtful.

Council Member Rowe objected to a small business having to pay more for a sign that is different than a standard logo that every other city allows.

Mayor Huntington commented this is the 3rd edition of the sign ordinance, which has been through thousands of hours of review. It is basically a sound ordinance that may have a few glitches in need of addressing. He suggested the Planning Commission hold a public hearing to get input from businesses to determine exactly what needs to be fixed. Town Manager Nuaimi requested the Council allow staff to look at current restrictions compared to market standards. Hopefully through marketing we can help people find what they need. He noted this will be part of the Development Code update

POLICY DISCUSSION

16. Town Council Policy Discussions

Town Manager Nuaimi gave the staff report pointing out that currently the Mayor/Mayor Pro Tem selection process rotates the Mayor based upon seniority but there are no provisions for failure of the nominee to secure majority support. Commissions and Boards are intended to be extensions of the Town Council, however, the current appointment process results in a lag between election of Council Members and their representation on the commissions. Also, a number of the commissions have not been active, or their responsibilities could be combined. Staff recommends elimination of Team Yucca Valley, Traffic Commission and the Public Arts Advisory Committee, and that the Council review the current appointment process for potential modification. With

ABSTAIN: None

ABSENT: None

POLICY DISCUSSION

19. **Town Council Request and Policy Discussion, Sign Ordinance Enforcement, Temporary Signs, Banners & Flags for Commercial Enterprises (carried forward from December 15, 2009 Town Council Meeting)**

Associate Planner Kirschmann advised that staff recommends the Town Council suspend enforcement of the time periods established for temporary commercial and industrial signs as established in Section 87.07130(c), for a period of one year, ending on December 15, 2010, and allow temporary signs to remain installed for one year after the issuance of a permit pursuant to the Town's sign regulations.

Mike Kelliher, Chamber of Commerce President, stated that, in a down economy, businesses need to do what every they can to keep their businesses in town, and anything we can do as the Town and Chamber to help these businesses bring business in means more money to the Town.

Ramon Mendoza, Yucca Valley, agreed that the Town should do whatever it can with good taste, noting that for some people signage is offensive.

Council Member Luckino thanked Council for holding the item over until he was in attendance and advised that local business people are trying to do whatever they can to pay the bills. These are tough times and he does not want the Council to become an obstacle in the recovery of this community. Due to the delay in taking action he requested that, instead of December 15th 2010, he would like it to be for 12 months so the date would be January 19th 2011, also he would like the sidewalk part taken out of sandwich signs.

Council Member Neeb commented he thinks people want to stop in a clean and attractive community. He will support tonight's recommendations, but do tend to go along with Ramon Mendoza that some ideas can get extreme if we let them fly.

Council Member Herbel questioned if people holding signs along the street have to have permits. Associate Planner Kirschmann stated there are no regulations in the sign code.

Council Member Huntington advised there needs to be control of the signs through a permit fee or we will end up with blight.

Council Member Luckino commented there has been improvement on SR 62, but a business owner would like to put out sandwich signs. He requested that the Town put a moratorium on the need for a sidewalk.

Upon discussion Council Member Neeb requested that action not be taken on the sidewalk issue at this time.

Mayor Mayes questioned why fees for temporary signs were more than for regular signs. Deputy Town Manager Stueckle explained the increased staff time involved with temporary signs.

Council Member Neeb moved to suspend enforcement of the time periods established for temporary commercial and industrial signs as established in Section 87.07130 (c), for a period of 12 months, ending on January 20, 2011 and allowing temporary signs to remain installed for one year after issuance of a permit pursuant to the Town's Sign Regulations. Council Member Huntington seconded. Motion carried 5-0 on a voice vote.

AYES: Council Member Herbel, Huntington, Luckino, Neeb and Mayor Mayes.

NOES: None

ABSTAIN: None

ABSENT: None

20. Town Council Strategic Plan, Code Compliance Program

Deputy Town Manager Stueckle advised that, as part of the Strategic Plan process, the Council requested an opportunity to discuss Code Compliance

Code Compliance Supervisor Megli gave a power point presentation showing various cases the department has worked on.

Ramon Mendoza, Yucca Valley, commended the work of the Code Compliance Division.

Council Member Luckino questioned if the department currently operates Monday through Friday and not weekends. Code Compliance Supervisor Megli advised that occasionally they work on weekends.

Council Members thanked the Code Compliance staff for the work they do.

Council Member Luckino commented that Code Enforcement has always been an issue, noting that current policy is that Code Enforcement is reactive rather than proactive. Code Compliance Supervisor Megli advised if there is a safety issue it must be addressed, in addition property along SR 62 is proactively enforced per previous Council direction.

Council Member Neeb commented his thoughts haven't changed on that direction.

of Option 1. Council Member Huntington seconded the substitute motion. The substitute motion failed 2-3 on a roll call vote, as follows:

- AYES:** Council Member Huntington and Mayes
- NOES:** Council Member Herbel, Neeb and Mayor Luckino
- ABSTAIN:** None
- ABSENT:** None

Council Member Mayes advised he would have preferred the staff 's option but will now support the original motion.

Original motion carried 5-0 on a roll call vote.

- AYES:** Council Member Herbel, Huntington, Mayes Neeb and Mayor Luckino.
- NOES:** None
- ABSTAIN:** None
- ABSENT:** None

POLICY DISCUSSION

17. Town Council Request and Policy Discussion, Sign Ordinance Enforcement, Banners & Flags for Commercial Enterprises.

Senior Planner Kirschmann reported that Ordinance No. 156 establishes sign regulations for all signs erected in the Town both temporary and permanent. Section 87.07130(c) regulates the time limits, types of signs allowed.

Sarann Graham, Yucca Valley, spoke in favor of allowing the use of the new banners without time limits.

Mayor Luckino commented regarding the sign ordinance specifically to the banners noting he wants businesses to prosper because if they don't the Town doesn't. The cars are flying through the Old Town area, and some businesses feel the banners may attract people to stop. He suggested backing off on enforcement on that portion of the ordinance to help people get through these tough times.

Council Member Huntington requested clarification that the Mayor was talking about just the new type banners that people are using at this time, and noted that more signage is not necessarily better and can become blight itself. The purpose of ordinances is to prevent blight. He did agree that probably those banners, since they are a new form of banners that haven't been seen or addressed specifically, should be looked at, but the Sign Ordinance should still be enforced.

Council Member Neeb agreed with Council Member Huntington noting the Council

really put a lot of hard work into the Sign Ordinance and there were some tough meetings with the Commission and council.

Mayor Luckino clarified that he is not asking Council to repeal the Ordinance, just to suspend enforcement for a time frame of a year.

Council Member Mayes wanted to make sure Council was only talking about the banners portion of the sign ordinance, and questioned if no permit would have to be pulled and businesses can put up any signs they want for a year. He expressed concern as to whether or not the Council would want to allow businesses anything they want for the next year as far as signs are concerned.

Council Member Herbel questioned if the permitting process is because of possible safety issues. Senior Planner Kirschmann advised the reason for the permits is to make sure the business complies with the code so that staff can review the signs to make sure they conform.

Council Member Huntington commented that the location on the sign may have health and safety issues as far as obstructing traffic, etc.

Mayor Luckino suggested that, if Council is willing, maybe staff can come back with some suggestions. He noted his intent is to relax enforcement. Manager Takata suggest stated if the Council would like portion of the ordinance changed it should be sent to the Planning Commission. Deputy Town Manager Stueckle advised Council can suspend enforcement but any changes to the Ordinance would have to go to the Commission. Mayor Luckino noted his preference is to suspend.

Council Member Huntington stated the Town should not suspend the need for a permit but suspend enforcement.

Council Member Mayes recommended that the permit fee also be looked at.

Council Member Neeb commented then the Town would end up subsidizing that and commented that the Town had a study done to come up with the fee. He noted that he would agree with Council Member Huntington to put enforcement on hold but not suspend the need for a permit.

Mayor Luckino advised he would go along with that.

Council Member Huntington moved to continue permitting temporary signs, specifically bee wings, but not enforce the number of days they can be up. Council Member Neeb seconded.

Council Member Mayes questioned the other temporary signs, noting if the Council

wants to be business friendly we want to make sure the rules are clear and that everyone is following same rules.

Upon further discussion, the item was postponed to the next meeting.

18. Town Council Policy Discussion, SR 62 Median Islands

Deputy Town Manager Stueckle reported that over the past couple of months the Council has discussed opportunities that may be available to the Town or RDA to assist in trying to provide encouragement and support for development projects. Discussions have been associated with the costs of improvements for highway widening and median islands. He noted that anytime public financial assistance is provided to private land development projects, the law states that all improvements shall pay prevailing wages.

Council Member Mayes stated he is favor of the highway medians, the problem he has it making construction of them a condition of approval. The Town should be paying for them and shouldn't be conditioning applicants to do that.

Council Member Herbel questioned how the Town would pay for the median islands. Town Manager Takata state they would be paid through the RDA or general fund.

Council Member Mayes stated that he wants median islands but doesn't think it is appropriate to make developers put them in.

Council Member Herbel commented that development needs to pay its own way instead placing the responsibility on the community.

Council Member Neeb stated he heard some of the medians things are optional and that there are not a lot required by Caltrans. Town Manager Takata advised that the median by Home Depot was required by Caltrans, but Auto Zone wasn't. Council Member Neeb advised he is fine with going to the RDA and asking them to pay for the medians required by the Planning Commission.

Mayor Luckino commented that he opposed to taking in lieu fees that are going into the bank account and not being used.

Council Member Mayes commented either the Town has to collect in lieu fees or the developer has to build their small portion of the improvement. When taking about median islands specifically there should not be a condition of approval unless it is necessary for safety purposes.

Council Member Neeb stated he has no problem with charging in lieu fees, and thinks the issue is a safety factor.

ORDINANCE NO. 156

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING TITLE 8, DIVISION 7, CHAPTER 7 OF THE SAN BERNARDINO COUNTY CODE AS ADOPTED AND AMENDED BY THE TOWN OF YUCCA VALLEY RELATING TO SIGN REGULATIONS (DCA-03-03)

The Town Council of the Town of Yucca Valley does ordain as follows:

SECTION 1. MUNICIPAL CODE AMENDED.

Title 8, Division 7, Chapter 7 of the San Bernardino County Code as adopted and amended by the Town of Yucca Valley is further amended to read in its entirety as follows:

**"Chapter 7
Sign Regulations**

Sections	87.0710	Purpose and Intent
	87.0720	Definitions
	87.0730	Applicability
	87.0740	Administration
	87.0750	Sign Permits Required
	87.0760	Design Merit Sign Permit
	87.0770	Landmark Sign Permit
	87.0780	Prohibited Signs
	87.0790	Exempt Signs
	87.07100	Sign Program
	87.07110	General Design Standards
	87.07120	Signs in Residential, Open Space, & Public/Quasi Public Districts
	87.07122	Signs in Commercial Districts
	87.07124	Signs in Industrial Districts
	87.07128	Signs in Specific Plan Overlay
	87.07130	Temporary Signs
	87.07140	Off-Site Signs and Billboards
	87.07145	Off-Site Signs on Public Property
	87.07146	Public Facility Directional Signs
	87.07147	Wall Murals
	87.07150	Abandoned Signs
	87.07160	Construction and Maintenance
	87.07170	Nonconforming Signs
	87.07190	Enforcement

Section 87.0710 PURPOSE AND INTENT

The purpose and intent of this Chapter is to protect the general public health, safety, welfare, viewsheds and other aesthetic values of the community by ensuring that signage is clear, consistent and compatible with surrounding neighborhoods and the rural desert character of the Town; assure the implementation of community design standards consistent with the General Plan; promote the community's appearance by regulating the design, character, location, type, quality of materials, scale, color, illumination, and maintenance of signs; place limits on the use of signs which provide direction and aid orientation for businesses and activities; promote signs that identify uses and premises without confusion; reduce possible traffic and safety hazards through good signage. It is the further intent of this Chapter to establish flexibility based upon individual circumstances which includes building location in relation to adjacent structures, public rights-of-way, compatibility with surrounding development and visibility of the business location to the general public.

Section 87.0720 DEFINITIONS

Abandoned Sign. Any sign and supporting structures located on a property or premises which is vacant and unoccupied for a period of ninety (90) days or more which no longer advertises or identifies an ongoing business, product, or service available on the business premises where the display is located, or a sign which is damaged, in disrepair, or vandalized and not repaired within ninety (90) days of the date of the damaging event.

Advertising Statuary: A statue or other three dimensional structure in the form of an object that identifies, advertises, or otherwise directs attention to a product or business.

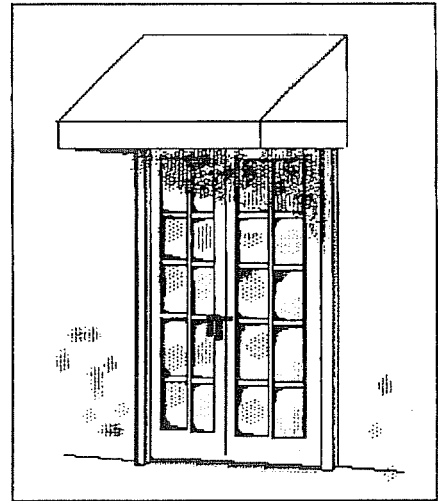
Address Sign. The numeric reference of a structure or use to a street, included as part of a wall or monument sign.

A-Frame Sign. A free standing sign usually hinged at the top, or attached in a similar manner, and widening at the bottom to form a shape similar to the letter "A".

Anchor Tenant. A shopping center key tenant, usually the largest or one of the largest tenants located within the shopping center, which serves to attract customers to the center through its size, product line, name, and reputation. The term anchor tenant is interchangeable with the term major tenant.

Animated or Moving Sign. Any permanently constructed monument, freestanding, or wall sign which uses movement, lighting, or special materials to depict action or create a special effect or scene.

Awning, Canopy, or Marquee Sign. Signs which are placed on or integrated into fabric awnings or other material canopies which are mounted on the exterior of a building which extend from the wall of a building to provide shielding of windows and entrances from inclement weather and the sun.



Banner, Flag, Pennant or Balloon. Any cloth, bunting, plastic, paper, vinyl, or similar material used for advertising purposes attached to or pinned on or from any structure, staff, pole, line, framing, or vehicle, including captive balloons and inflatable signs but not including official flags of the United States, the State of California, County of San Bernardino or Town of Yucca Valley.

Bench Sign. Copy painted on any portion of a bus stop bench.

Billboard. Any off-premise outdoor advertising sign structure which advertises products, services, or activities not conducted or performed on the same site upon which the outdoor advertising sign structure is located and governed by the Outdoor Advertising Act.

Building Face and/or Frontage. The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Building Wall: The individual sides of a building.

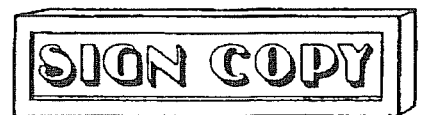
Business Entrance Identification: A sign adjacent to, or on the entrance door of a business which names, gives the address and such other appropriate information as store hours and telephone numbers.

Cabinet: A three dimensional structure which includes a frame, borders, and sign face panel and may include internal lighting upon which the sign letters and logos are placed or etched, and is architecturally integrated with the building.

Canopy Sign. Refer to definition of a Shingle Sign

Center: A center contains businesses and buildings designed as an integrated and interrelated development sharing such elements as architecture, access, and parking. Such design is independent of the number of structures, lots or parcels making up the center.

Changeable Copy Sign. A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.



Channel Letter Sign: Three dimensional individually cut letters or figures, illuminated or non-illuminated, affixed to a building or sign structure.

Civic Event Sign. A temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.

Clear Sight Triangle: Triangular-shaped portion of land established at a street intersection or driveway in which no signs are placed in a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection or driveway.

Commercial Complex. A group of three (3) or more commercial uses on a single parcel or contiguous parcels which function as a common commercial area including those which utilize common off-street parking or access.

Commercial Sign. A sign that identifies, advertises or otherwise attracts attention to a product or business.

Construction Sign. A temporary sign erected on the parcel on which construction is taking place, limited to the duration of the construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owner, financial supporters, sponsors, and similar individuals or firms having a major role or interest with respect to the structure or project.

Directional Sign. Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one way", "entrance", or "exit".

Directory Sign. A sign for listing the tenants or occupants and their suite numbers of a building or center.

Double-faced Sign. A single structure designed with the intent of providing copy on both sides.

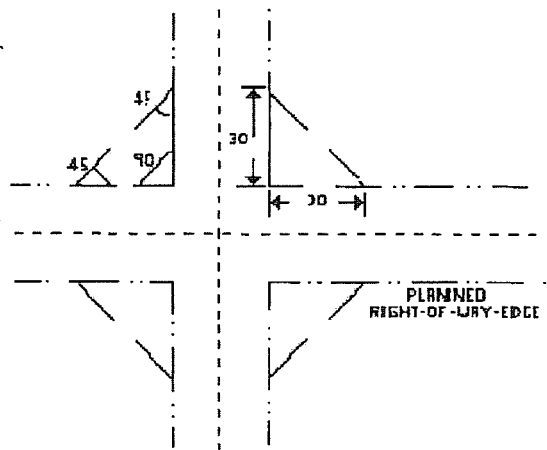
Eaveline. The bottom of the roof eave or parapet.

Entryway Sign: A sign which is placed on the perimeter of a recorded subdivision, townhouse project, commercial district, master planned community, hotel, motel, or guest ranch at a major street or driveway entrance to identify the name of the interior project. Such signs may flank both sides of the entrance and may include monument or landscape wall sign types.

Fascia Sign: A sign placed on a parapet type wall used as part of the face of a flat roofed building and projecting not more than one foot from the building face and may be incorporated as an architectural element of the building.

Flashing Sign. A sign that contains an intermittent or sequential flashing light source.

Freestanding Sign. Any sign which is supported by structures or supports that are placed on, or anchored in the ground which are independent from any building, such as a pole and monument



signs.

Future Tenant Identification Sign. A temporary sign which identifies a future use of a site or building.

Grand Opening. A promotional activity used by newly established businesses, within 2 months after occupancy, to inform the public of their location and service available to the community. Grand Opening does not mean an annual or occasional promotion of retail sales or activity by a business.

Height of Sign. The greatest vertical distance measured from the immediate adjacent roadway grade level or existing grade, to the highest element of the sign structure

Holiday Decoration Sign. Temporary signs, in the nature of decorations, clearly incidental to and customarily associated with holidays.

Illegal Sign. Any sign erected without first obtaining a sign permit, or a sign for which the permit has expired or been revoked.

Illuminated Sign. A sign with an artificial light source for the purpose of lighting the sign.

Institutional Sign. A sign identifying the premises of a church, school, hospital rest home, or similar institutional facility.

Kiosk. An off-premise sign used for directing people to the sales office or models of a residential subdivision project.

Logo. An established identifying symbol or mark associated with a business or business entity.

Logo Sign. An established trademark or symbol identifying the use of a building.

Model Home. A single family residential structure when used as a temporary sales office and model home for the sale of construction services to build single family residential units on vacant lots.

Monument Sign. An independent structure supported from grade to the bottom of the sign with the appearance of having a solid base.

Moving Sign. Animated signs or signs which contain any moving elements as part of the structure but does not include reflective, shimmering devices.

Nonconforming Sign. A legally established sign which fails to conform to the regulations of this Chapter.

Off-Site Sign. Any sign which advertises or informs in any manner businesses, services, goods, persons, or events at some location other than that upon which the sign is located.

Open House Sign. A temporary sign posted to indicate a salesperson is available to represent the property subject to sale, lease, or rent.

Outdoor Advertising Sign Structure (Billboards) A sign, display, or device affixed to the ground or attached to or painted or posted onto any part of a building or similar permanent structure, used for the display of an advertisement to the general public.

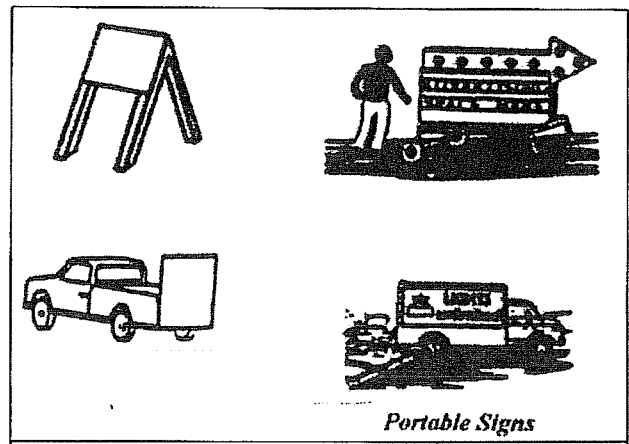
Pole/ Pylon Sign: A two-sided sign with an overall height as allowed by Code and having one or more supports permanently attached directly into or upon the ground with the lower edge of the sign face to be at least seven (7) feet above grade or four (4) feet above grade if the sign is located within a street landscape setback.

Political Sign. A temporary sign directly associated with national, state, county or local elections.

Portable Sign. A sign that is not permanently affixed to a structure or the ground, not including A-frame signs.

Projecting Sign. A sign other than a wall sign suspended from, or supported by, a building or structure and projecting outward.

Promotional Sign. A sign erected on a temporary basis to promote the sale of new products, new management, new hours of operation, a new service, or to promote a special sale.



Real Estate Sign. An on-site sign pertaining to the sale or lease of the premises.

Roof Sign. A sign erected, constructed, or placed upon or over a roof of a building, including a mansard roof and which is wholly or partly supported by such buildings.

Shingle Sign (canopy sign). A sign suspended from a roof overhang of a covered porch or walkway that identifies the tenant of the adjoining space.

Sign. Any structure, housing, device, figure, statuary, painting, display, message placard, or other contrivance, or any part thereof, which is designed, constructed, created, engineered, intended, or used to advertise, or to provide data or information in the nature of advertising, for any of the following purpose: to designate, identify, or indicate the name of the business of the owner or occupant of the premises upon which the advertising display is located; or, to advertise the business conducted, services available or rendered, or the goods produced, sold, or available for sale, upon the property where the advertising display is erected.

Sign Area. The entire face of a sign, including any framing, projections, or molding, but not including the support structure. Individual channel-type letters mounted on a building shall be

measured by the area enclosed by straight lines not to exceed ten (10) sides, containing words, letters, figures, or symbols, together with any frame or material forming an integral part of the display but excluding support structures.

Sign Program. A coordinated program of one or more signs for an individual building or building complexes with multiple tenants.

Special Event. An event such as sales, grand openings, going out of business, or other promotional events that are not part of typical business, cultural, or civic activity.

Temporary Sign. A sign intended to be displayed for a limited period of time.

Tract. A residential subdivision of contiguous lots within a recorded tract where five or more lots are concurrently undergoing construction.

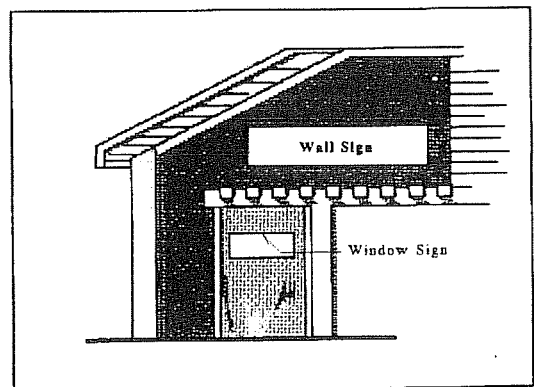
Trademark. A word or name which, with a distinctive type or letter style, is associated with a business or business entity in the conduct of business.

Two-sided Sign. Means a freestanding sign where two identical sign faces are placed back to back on the same structure. Any other configuration is considered to be a sign with more than two faces except as allowed by the freestanding sign standards.

Vehicle Sign. A sign which is attached to or painted on a vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or an activity or business located on such property.

Wall Sign. A sign painted on or fastened to a wall and which does not project more than 12 inches from the building or structure.

Window Sign. Any sign that is applied or attached to a window so that it can be seen from the exterior of the structure.



Section 87.0730 APPLICABILITY.

This Chapter shall apply to all signage proposed within the community. No signs shall be erected or maintained in any land use district established, except those signs specifically enumerated in this Chapter. The number and area of signs as outlined in this Chapter are intended to be maximum standards. In addition to the standards set forth herein, consideration shall be given to a sign's relationship to the need that it serves, and the overall appearance of the subject property as well as the surrounding community. Compatible design, simplicity, and sign effectiveness are to be used in establishing guidelines for sign approval, but shall not limit maximum standards for signs.

Section 87.0740 ADMINISTRATION

a. **Administration**

The Director of the Community Development Department is authorized by the Town Council to administer and enforce the provisions of this Chapter, unless otherwise provided in this Chapter. The Director may designate a representative to act in his/her place.

b. **Application and Fees.**

1. Applications for sign permits shall be made on forms provided by the Planning Division and accompanied by the information, materials, and submittal requirements as specified on the forms.
2. Fees shall be paid as established by the Town of Yucca Valley fee schedule.
3. Political Signs are exempt from payment of fees.
4. Any fees shall be doubled for signs that are erected or placed prior to issuance of a sign permit or any required building and electrical permits.

c. **Interpretation**

1. This Chapter shall be interpreted in a manner which best fulfills the intent of its provisions.
2. Questions arising from the application of the Chapter shall be interpreted by the Director. If any inconsistency still exists in the interpretation, an appeal application shall be referred to the Planning Commission for their determination.

d. **Appeals**

1. Any decision or determination of the Director may be appealed within ten (10) days to the Planning Commission. Appeals shall be made on forms provided by the Planning Division and fees shall be paid as established by the Town of Yucca Valley fee schedule.
2. Any decision of the Planning Commission may be appealed to the Town Council in accordance with the Appeal provisions provided by the Development Code.

Section 87.0750 SIGN PERMIT REQUIRED

- a. No exterior sign shall be erected, placed, displayed, or dimensionally altered, without registration and the prior issuance of a Sign Permit by the Planning Division, unless exempted by *Section 87.0790 Exempt Signs*. Temporary Sign Permits are required for those designated under *Section 87.07130 Temporary Signs*. Sign Permits are not required for change of sign face/ copy, minor maintenance or minor repairs to existing legally erected signs. Building and/or electrical permits may also be required from the Building Division.
- b. The Director of the Community Development Department shall review all applications for consistency with this Chapter. The Director shall approve, or approve subject to modifications and/or conditions and consequently issue a sign permit, or deny the sign application.

- c. Signs shall be erected in conformance with the provisions of this Code and any applicable specific plan, master sign program, and any conditions of approval of the Sign Permit.
- d. Any proposed sign design that does not conform to the standards of this Chapter shall be subject to the variance provisions of this Development Code. The provisions of *Section 83.030905, Variance* shall apply. The Planning Commission may grant a sign variance based on findings, and it may be granted when property has special circumstances such as size, shape, topography, location or surroundings that deprive the property owner of privileges enjoyed by other property owners in the vicinity under identical zoning classifications. Applications for a variance shall be made on forms provided by the Planning Division and fees shall be paid as established by the Town.

Section 87.0760 DESIGN MERIT SIGN PERMITS

The purpose of these provisions shall apply to permanent signs to provide flexibility in sign regulation and to encourage exceptional quality in sign design and construction. The provisions are intended to implement the goals and objectives of the Town’s General Plan; to encourage and promote designs which relate to and are harmonious with the rural desert character, and which enhance the quality of life of the Town.

- a. **Application and Fees** . Design Merit Sign Permits shall be made on Conditional Use Permit (CUP) application forms provided by the Planning Division and accompanied by the information, materials, and submittal requirements as specified on the forms, including information which will enable the required findings to be made. Applications shall clearly demonstrate exceptional design and construction quality in order to be considered for Design Merit Sign Permits. Fees shall be paid as established by the Town of Yucca Valley fee schedule.
- b. The Planning Commission shall review all applications for a Design Merit Sign Permit for consistency with the review criteria described in *Subsection (d)*, below, as well as consistency with all other standards and guidelines in this Chapter. Review shall include focus on the overall integration and relationship of the proposed sign with the buildings and site and the integration of all elements relating to the sign to achieve the purpose of this Section for exceptional quality that is harmonious with the desert character. Consideration may include size, color, materials, illumination, location, as well as all other elements of creative sign design and construction. Signs that do not clearly demonstrate exceptional quality in design, use of materials, and craftsmanship shall not be considered for any increase in size or height as allowable by this Section.
- c. **Allowable Sign Area and Height.**
 The following increases in sign area and height may be allowed when consistent with the purpose, criteria and findings of Design Merit Sign Permits.
 - 1. Freestanding signs in Commercial and Industrial land use districts.
 - A. Freestanding signs for single and multi-tenant buildings and sites that are allowed pursuant to *Sections 87.07122 and 87.07124* of this Chapter.
 - 1. Up to a maximum of twenty-five (25) percent increase in area may be allowed.
 - 2. Up to a maximum of fifty (50) percent increase in height for

freestanding signs may be allowed for signs.

d. **Review Criteria**

1. The General Design Standards included in *Sections 87.07122* and *87.07124* are minimum requirements that apply to all signs. Each Design Merit Sign Permit application shall be reviewed by the Planning Commission to determine how exceptional design and material beyond these minimum standards have been incorporated into the proposed sign and whether these elements have been successfully integrated to create a sign that is consistent with the purposes of this Section, which represents exceptional quality, enhances community design and is harmonious with the desert character because it:

A. Evokes a special relationship to the structure and uses located on site by incorporating elements of the structural architecture and/or natural features of the site, without dominating the site;

B. Makes use of high quality and/or natural or indigenous building materials including, but not limited to rock, adobe, timber, carved wood and incised lettering in stone;

C. Identifies the site or use without intensive sign copy (text) by use of graphic imagery and/or logo or utilizes reverse channel lettering or opaque sign field (background) with illuminated routed copy.

D. Sign structure is incorporated with landscape treatments including landscape planters, rockscapes, xeriscapes or similar creative landscape elements.

2. Treatments more specific to wall signs that may qualify for the Design Merit Permit include;

A. Graphic or logo sign only (without text or type face)

B. Reverse channel lettering on opaque background;

C. Base-relief lettering.

e. Prior to approving a Conditional Use Permit application for a Design Merit Sign Permit, the Planning Commission shall find and justify that all of the following are true:

1. The proposed sign exhibits exceptional design quality and incorporates high quality materials that enhance the overall development and appearance of the site and will not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic;

2. The proposed sign is well integrated with the buildings and other elements of the property and is harmonious with the surrounding desert character;

3. The proposed sign, by its design, construction and location, will not have a substantial adverse effect on abutting property or the permitted use thereof, and will contribute to the Town's unique character and quality of life;

4. The proposed sign is consistent with the goals, policies and standards of the Town's General Plan and any applicable specific plan;
5. That granting the Design Merit Sign Permit is based upon its distinct quality and does not constitute a granting of special privileges beyond those provided for by criteria provided in *Subsection d* above and by *Sections 87.07122* and *87.07124* of the Development Code.

Section 87.0770 LANDMARK SIGN PERMIT

The purpose of these provisions shall apply to existing permanent signs to provide flexibility in sign regulation that provide landmark value to the community as well as structural sign support. Landmark signs shall evoke a ready reference and connection to the local history of the Town or symbolic landmark. Typical examples include western settlement themes associated with ranching, prospecting, mining, adobes, or extensions of similar architectural landmarks.

- a. **Application and Fees** . Landmark Sign Permits shall be made on Conditional Use Permit application forms provided by the Planning Division and accompanied by the information, materials, and submittal requirements as specified on the forms, including information which will enable the required findings to be made. Applications shall clearly demonstrate the landmark quality and features of the proposed sign in order to be considered for the Landmark Sign Permit. Fees shall be paid as established by the Town of Yucca Valley fee schedule.
- b. The Planning Commission shall review all applications for the Landmark Sign Permit for consistency with the review criteria and finding described below, as well as reference and connection to the local history or symbolic landmark of the Town. Review shall include consideration of size, color, materials, illumination, location, as well as all other elements of creative sign design and construction.
- c. **Review Criteria.** The following criteria will be used to provide guidance during the Town's review. A landmark sign should meet one or more of the following criteria:
 1. The sign shall be at least 25 years or older.
 2. The sign shall exhibit a creative or unique sign design, creative or unique graphics, or construction
 3. The sign structure advertises the original business center name or business name.
 4. The sign display signs must be clean, neatly painted, free from corrosion, cracks, and broken surfaces. The sign shall also have no malfunctioning lights or missing sign copy.
- d. **Findings.** Prior to approving a Conditional Use Permit application for a "Landmark Sign Permit", the Planning Commission shall find and justify that all of the following are true:
 1. The sign is distinct from other signs in the Town in that it clearly provides a reference and connection to the local history of the Town or a local symbolic landmark.

2. The sign, by its design, construction and location, will not have a substantial adverse effect on abutting property or the permitted use thereof, and will contribute to the Town's unique character and quality of life;
3. The sign is consistent with the goals, policies and standards of the Town's General Plan and any applicable plan;
4. That granting of the Landmark Sign Permit is based upon its distinct quality.
5. The sign and all parts, portions, and materials shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion.

Section 87.0780 PROHIBITED SIGNS

Unless otherwise determined by the Director, the following signs are inconsistent with the sign standards set forth in this Chapter, and are therefore prohibited:

- Abandoned signs and supporting structures
- Chalkboards or blackboards
- Permanent sale or come-on signs
- Portable signs (except A-frame)
- Roof signs
- Signs painted on fences or roofs
- Large balloons or other large inflatable devices
- Signs that are affixed to vehicles that are purposely parked and serve as an advertisement device.
- Signs which simulate in color or design a traffic sign or signal, or which make use of words, symbols or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic.
- Signs which incorporate in any manner any flashing, moving, or intermittent lighting.
- Animated or moving signs or signs which contain any moving parts.
- Banners and Flags (see *Section 87.0130 Temporary Signs*)

Section 87.0790 EXEMPT SIGNS

The following non-illuminated signs shall be permitted without the requirements of a sign permit obtained from the Director of Community Development Department subject to limitations provided in this Chapter or as otherwise provided by State law:

- a. **Exempt Residential Signs:**
 1. One (1) residential building identification sign, used to identify individual residences, not exceeding 2 square feet in area displaying the name of the owner, occupant, or specific property name.
 2. Address numbers shall be placed upon existing and on newly constructed primary dwelling units. Numbers shall be a minimum of 4 inches in height and shall be contrasting in color to the background. Numerals shall be illuminated during hours of darkness.

3. One (1) double faced real estate advertising sign, for sale, lease or rent of a single-family residence and residential lots:
 - A. Such sign shall not exceed nine (9) square feet in area and six (6) feet in height.
 - B. Such sign shall be situated within the property line and in no event shall encroach upon public right-of-way. Such sign shall remain only during the period of time that the premises are being offered for sale, lease or rent and in any event shall be removed fifteen (15) days after the property is sold or the lease is terminated. Property is deemed to be sold upon the close of escrow, upon transfer of legal title, or upon execution of an installment sale, contract, whichever occurs first.
 - C. Open House signs, for the purpose of selling a single house or condominium and not exceeding nine (9) square feet in area and six (6) feet in height, are permitted for directing prospective buyers to property offered for sale.
 - D. Three (3) Open House banners per dwelling unit are allowed on the lot where the open house is conducted with a maximum sign area of sixteen (16) square feet each, for a period not to exceed three (3) days.
4. Until such time as a formal kiosk program is implemented by the Town Council, temporary off-site weekend directional signs shall be permitted for purposes of providing direction subject to the following regulations:
 - A. Maximum area of a directional sign shall not exceed three (3) square-feet nor shall the maximum height of any part of the sign exceed height of three (3) feet.
 - B. Signs shall only be posted on weekends between 3:00 p.m. on Friday and 8:00 a.m. on Monday, or between 3:00 p.m. on the day preceding a holiday occurring on Friday and 8:00 a.m. on the following Monday, or between 3:00 p.m. Friday and 8:00 a.m. on the following Tuesday following a holiday occurring on a Monday.
 - C. Signs shall be posted in the right-of-way.
 - D. There shall be no more than one (1) sign per direction of traffic at any intersection.
 - E. Signs shall be at least five hundred (500) feet from any other sign for the residential development, except at intersections. Signs shall not be within twenty (20) feet of a sign for any other residential development and shall in no way obscure, obstruct, detract, or interfere with any traffic or safety sign.
 - F. Signs left within the right-of-way beyond the time specified in *Subsection (B)* above will be removed by Town forces and any costs for removal will be billed to the project developer

b. **Exempt Commercial Signs:**

1. Window signs not exceeding three (3) square feet and limited to business identification, hours of operation, and emergency information.
2. Non-illuminated real estate signs for the initial sale, rental, or lease of commercial and industrial premises subject to the following:

One (1) sign per street frontage not to exceed 32 square feet in area to advertise the sale, lease, or rent of the premises. No such sign shall exceed eight (8) feet in overall height and shall be removed upon sale, lease or rental of the premises or 24 months, whichever comes first. Thereafter, one sign per premise not to exceed 16 square feet in size and eight (8) feet in height is permitted for the sale, lease or rent of the premise.
3. Identification signs on construction sites. Such signs shall be limited to one directory or pictorial display sign per street frontage or entrance, up to a maximum of two signs, identifying all contractors and other parties (including lender, realtor, subcontractors, etc.). Each sign shall not exceed 32 square feet in area and eight (8) feet in height. Each sign shall be removed prior to issuance of a Certificate of Occupancy.
4. One (1) building identification sign, used to identify individual buildings, not exceeding two (2) square feet in area displaying only the name of the owner or occupant.
5. Address numbers shall be placed upon existing and on newly constructed primary buildings. Number height shall be in accordance with the Fire Department requirements. Numerals shall be illuminated during hours of darkness.
6. Vacant commercial parcels may have real estate freestanding signs which do not exceed a maximum of eight (8) feet in height with a maximum of two (2) signs not to exceed an area of sixteen (16) square feet each, not to exceed a combined total of 32 square-feet.
7. Signs located within a structure and not visible from the outside of the building or not so located as to be conspicuously visible from the outside.
8. Memorial signs and plaques installed by a civic organization provided they shall not encroach upon public right-of-ways.
9. Official and legal notices issued by a court or governmental agency.
10. Official flags of the United States, the State of California, County of San Bernardino, Town of Yucca Valley, and nationally or internationally recognized organizations.
11. Official traffic, fire and police related signs, temporary traffic-control signs used

during construction, utility facilities, substructure location, identification signs, markers required to protect said facilities, and other signs and markers required by the Town, Caltrans, or other public agency.

12. Holiday decorations, in season, displayed for an aggregate period not exceeding sixty (60) days in any one (1) calendar year.
13. Incidental signs for automobile repair stores, gasoline service stations, automobile dealers with service repairs showing notices required by law, trade affiliations, credit cards accepted, and the like, attached to the structure or building; provided that all of the following conditions exist:
 - A. The signs number no more than four.
 - B. No such sign projects beyond any property line.
 - C. No such sign shall exceed an area per face of three square feet.
 - D. Signs may be double-faced.
14. Copy applied to fuel pumps or dispensers such as fuel identification, station logo, and other signs required by law.
15. Agricultural signs, either wall or freestanding types, non-illuminated, and not exceeding four square feet for lots two acres or less and 16 square feet for lots greater than two acres, identifying only the agricultural products grown on the premises. The number of such signs shall be one per street frontage or a maximum of two, with wall signs to be located below the roofline and freestanding signs to be no higher than eight (8) feet.
16. Directional signs to aid vehicle or pedestrian traffic provided that such signs are located on-site, have a maximum area that does not exceed three (3) square feet, have a maximum overall height of four (4) feet above grade, and are mounted on a monument or decorative pole. Such signs may be located in a required setback provided that a minimum distance of five (5) feet from any property line is maintained. Directional signs may display an arrow or other directional symbol and/or words, including but not limited to "parking", "enter", "exit", "do not enter", "drive-through", and other similar messages.
17. Notices or signs required to be posted by law.
18. Signs located within recreational facilities such as baseball fields, stadiums and other similar facilities that advertise local businesses and other sponsors for sporting activities.
19. Official Town signs which incorporate reflective, shimmering discs, or similar elements.

Section 87.07100 SIGN PROGRAM

- a. **Sign Program Required.** A sign program shall be developed for all new commercial, office, and industrial centers. The purpose of the program is to integrate signs with building and landscaping design to encourage a unified architectural statement. This shall be achieved by:
- The use of the same background color, and allowing signs of up to three (3) different colors per multi-tenant center.
 - The use of the same type of cabinet supports, or method of mounting for signs, and the same type of construction material for components, such as sign copy, cabinets, returns, and supports.
 - Utilizing the same form of sign illumination.
 - Logos may be permitted and are not subject to the color restrictions specified in the program and serve as supplementary advertising devices to the sign(s).
- b. **Application Requirements.** In addition to any application form and fee, the following information is required for review of a sign program:
- 1 Site plan, to scale, indicating the location of all existing and proposed freestanding signs with sign area dimensions, colors, material, letter type, letter height, and method of illumination;
 2. Building elevation(s), to scale, with sign location shown and dimensioned;
 3. Sign details indicating sign area, dimensions, color, materials, letter style, letter height, and method of illumination.
- c. **Design Guidelines.** The following guidelines are encouraged in developing a sign program.
1. A theme, styles, types, color or placement of signs that will unify and identify the center and integrate the signs with the building design should be provided. Consideration should be given to the different types of tenants (e.g. major and minor) and placement locations consistent with the architectural design;
 2. Sign color should compliment the building color. In general, the number of primary colors on any sign shall be limited to no more than two with secondary colors used for accent or shadow detail. Variations in color may be used as long as the remaining components of the program remain consistent with the overall program;
 3. The same type of cabinet supports or method of mounting for signs of the same type shall be used;
 4. The same type of construction material for same components, such as monument sign bases, panels, cabinets, and supports shall be used;
 5. Consideration should be provided for logos or trademarks.
- D. **Approval.** The Director shall have the authority to approve, conditionally approve, or deny a sign program based on the findings that the proposed sign program is in compliance with the

purpose of this Section.

Section 87.07110 GENERAL DESIGN STANDARDS:

The purpose of this Section is to assist professional sign designers and the general public in understanding the Town's goals and objectives for achieving high quality, efficient signage within the Town. These standards will be used to encourage a high degree of sign quality while providing flexibility necessary for creativity on the part of sign designers. The criteria and standards in this section apply to all sign proposals. The standards should be followed unless the purpose of this Chapter can better be achieved through other design techniques.

a. **Computations** The following methods shall be used to measure sign height and sign area.

1. **Sign Height**

A. **Pole Sign**

1. The vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.
2. Where the finished grade level is above or below street level and/or a planter or retaining wall exists, the height shall be the vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.

B. **Monument Sign**

1. The vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.
2. Where the finished grade level is above street level, and/or a planter or retaining wall exists, the height shall be the vertical distance measured from finished grade to the highest point of the sign structure.
3. Where the finished grade level is below street grade level and/or a planter or retaining wall exists, the height shall be the vertical distance measured from the immediate adjacent roadway grade level to the highest point of the sign structure.

2. **Sign Area**

The entire surface area within a single continuous perimeter, not to exceed ten (10) sides, containing words, letters, figures, or symbols, together with any frame or material forming an integral part of the display but excluding support structures, face of building and incidental parts shall constitute sign area. Signs placed back to back shall be taken as the area of one face if the two faces are of equal area or of the area of the larger face if the two are of unequal area.

c. **Sign Copy**

1. Letter size shall be proportional to the background and overall sign size.
2. Graphics consistent with the nature of the product to be advertised are encouraged. However, these shall be considered as part of the sign area.

3. Logos are encouraged but are considered part of the sign area.
4. Signs which incorporate electronic message boards shall be subject to review and approval by the Planning Commission.
5. Electronic message areas shall not exceed 25% of the total sign area of the sign structure it is attached to.

d. **Materials**

1. All signs, except those provided for under Temporary Signs shall be permanent in nature and should reflect the architectural design of structures and natural features of the site by containing unifying features and materials.
2. High quality and natural materials, such as exterior grade building materials are encouraged.
3. Freestanding/monument signs shall incorporate lighting, colors, planters, or other architectural treatment to enhance the visual element of the installed sign.
4. Poles or other supporting structures for freestanding signs shall incorporate architectural treatments, landscape planters, or similar structural enhancements.

e. **Illumination**

1. **Preservation of the Night Sky**

- A. All signs shall comply with *Chapter 8.70* of Title 8 of the Yucca Valley Municipal Code relating to Regulations for Outdoor Lighting.
- B. Off-white shades shall be encouraged for sign background color in lieu of pure white.
- C. The use of dark background coloring and lighter shades for lettering is highly encouraged.

2. **Neon Signs**

- A. **Exterior Signs:** Neon tubing may be permitted as a material in exterior signs subject to the following:
 1. Exterior neon signs shall be permitted only in commercial zones.
 2. Within shopping centers, neon signs may be allowed as a part of a sign program.
- B. **Interior Neon Signs:** Neon tubing may be permitted as a sign material for interior window signs subject to the following:
 1. Permitted in commercial zones only.
 2. No more than two (2) neon window signs shall be permitted per

business.

e. **Clear Sight Triangles**

All signs shall comply with the provisions of the Development Code regarding clear sight triangles which includes the following:

1. There shall be no monument signs allowed within a clear sight triangle.
2. There shall be no more than two (2) posts or columns, each with a width or diameter no greater than twelve (12) inches, within a clear sight triangle.
3. When a freestanding sign is located within a clear sight triangle, the lower edge of the sign face shall be at least eight (8) feet above grade.

Section 87.07120 SIGNS IN RESIDENTIAL, OPEN SPACE, PUBLIC/ QUASI PUBLIC DISTRICTS

No sign, outdoor advertising structure, or display of any kind shall be permitted in Residential, Open Space, and Public and Quasi Public land use districts, except those provided for below and those provided in *Section 87.0790, Exempt Signs* and *Section 87.07130, Temporary Signs* or as otherwise provided in this Chapter. In addition to the standards provided below, consideration shall be given to a sign's relationship to the overall appearance of the subject property as well as the surrounding community.

a. **On Site Subdivision, Mobile Home Park and Multi-Family Identification.**

1. One (1) monument sign per each public street frontage, not to exceed two (2) such signs with a maximum of twenty-four (24) square feet in area each, and six (6) feet in height. The sign shall be set back a minimum of five (5) feet from any property line.
2. Sign copy shall be limited to the name of complex, address, and complex manager's phone number.
3. One directory sign per vehicle entrance to multi-residential developments of 12 or more units or mobile home parks, not to exceed four (4) feet in height and 24 square feet in sign area to be located within required front yard or street side yard.

b. **Signs for Non-Residential Uses**

Non-residential uses located in Residential, Open Space, or Public and Quasi Public land use districts such as institutional uses including churches, schools, funeral homes, cemeteries, recreational uses, and agriculture related signs may be permitted. More than one sign may be allowed provided that the maximum cumulative sign area is not exceeded.

1. One (1) monument sign per each public street frontage, not to exceed two (2) such signs with a maximum of twenty-four (24) square feet in area each, and six (6) feet in height and may not extend above a wall or fence. The sign shall be set back a minimum of five (5) feet from any property line.
2. Non- illuminated wall signs may be permitted a cumulative sign area per building frontage of one (1) square foot per each one (1) foot of building frontage with a maximum of two (2) signs. Wall signs shall not be located above an eave, roof line or

parapet.

3. **Signs for Cemeteries or Memorial Parks.** Entryway signs not to exceed twenty-four (24) square-feet in area mounted on decorative driveway entryway wall/fencing.

Section 87.07122. SIGN IN COMMERCIAL DISTRICTS

No sign, outdoor advertising structure, or display of any kind shall be permitted in Commercial District except those provided for below and those provided in *Section 87.0790, Exempt Signs* and *Section 87.07130, Temporary Signs* or as otherwise provided in this Chapter. In addition to the standards provided below, consideration shall be given to a sign's relationship to the overall appearance of the subject property as well as the surrounding community.

a. **Single Tenant Building**

1. **Wall Signs**

- A. For each use or occupancy, one building sign per building frontage oriented towards a street, driveway, or parking area based on a maximum of one (1) square-foot of sign area per one lineal foot of use or occupancy. For each occupancy with a minimum width of 80 feet, a maximum of two building signs shall be allowed on each building frontage oriented towards a street, driveway, or parking area provided the combined area of the two signs does not exceed the allowable square-footage.

2. **Freestanding Signs**

- A. The cumulative total sign area allowed for freestanding signs on parcels with 150 feet of frontage and greater shall be based on one (1) square-feet per five (5) linear feet of street frontage on which the sign is located. No single sign shall exceed sixty (60) square-feet in area.
- B. A maximum 30 square foot freestanding sign is allowed on any parcel with less than 149 feet of street frontage.
- C. Maximum height of a monument sign shall not exceed eight (8) feet or a maximum height for a pole sign not to exceed twelve (12) feet with the lower edge of the sign face to be at least seven (7) feet above grade or 4 foot clearance if located within a landscape setback.
- D. Any single sign 25 square-feet in area or less in area may be designed with sign faces placed at angles provided they do not exceed 45 degrees and not be considered a multi-faced sign.

3. **Shingle Signs** Small suspended signs may be permitted subject to the following:

- A. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building suspended from a canopy or projects not more than three (3) feet from building face.
- B. Such signs shall not exceed five (5) square-feet in area and shall have a minimum ground clearance of eight (8) feet.

4. **Projecting Signs** A projecting sign may be permitted subject to the following:
- A. In lieu of a permitted building wall sign, a double faced projecting sign may be installed and placed at angles provided they do not exceed 60 degrees, provided such sign does not exceed the size allowance.
 - B. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building and projects not more than three (3) feet from building face and does not extend above the roof line.

b. **Commercial Complexes & Multiple Tenant Buildings**

1. **Wall Signs**

- A. For each use or occupancy, one building sign per building frontage oriented towards a street, driveway, or parking area based on a maximum of one (1) square-foot of sign area per one lineal foot of use or occupancy. For each occupancy with a minimum width of 80 feet, a maximum of two building signs shall be allowed on each building frontage oriented towards a street, driveway, or parking area provided the combined area of the two signs does not exceed the allowable square-footage.
- B. Subject to the approval of a sign program, the property owner may apportion the sign area to individual uses or overall building, or certain identification, provided that the total cumulative sign area is not exceeded.

2. **Freestanding Signs**

- A. The cumulative total sign area allowed for freestanding signs shall be one (1) square-foot per five (5) linear feet of street frontage on which the sign is located.
- B. No single sign shall exceed three hundred (300) square-feet in area.
- C. Any single sign 25 square-feet in area or less in area may be designed with sign faces placed at angles provided they do not exceed 45 degrees and not be considered a multi-faced sign.
- D. Maximum height of freestanding signs shall comply with the following:

Road Designation Per Circulation Element of General Plan	Net Center Area	Max. Sign Height
Highway	15 acres or more	25 feet pole or pylon
Highway	8 to 14.99 acres	15 feet pole or pylon
Highway	Less than 8 acres	In accordance with Sec. 87.07122
Arterial	Any size	In accordance with Sec. 87.07122
Collector or Other	Any size	In accordance with

- E. Freestanding building pads located adjacent to a highway or street may be permitted a monument sign not to exceed 25 square-feet.
- F. All freestanding signs shall reflect high quality, enhance community design and be harmonious with the desert character through the following:
 - 1. Evokes a special relationship to the structures and uses located on the site by incorporating elements of the structural architectural and/or natural features of the site;
 - 2. Makes use of high quality and/or natural building materials, including but not limited to, rock, adobe, timber, carved wood and incised lettering in stone;
 - 3. Identifies the site or use without extensive sign copy (text) by use of graphic imagery and/or logo.

3. **Shingle Signs.** Small projecting or suspended signs may be permitted subject to the following:

- A. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building suspended from a canopy or projects not more than three (3) feet from building face.
- B. Such signs shall not exceed five (5) square-feet in area and shall have a minimum ground clearance of eight (8) feet.

c. **Pedestrian Sidewalk (A-Frame) Sign.**

- A. One pedestrian (A-frame) sign per tenant, not to exceed 2'x3' or 6 square-feet for each side of sign area shall be permitted when placed on the sidewalk adjacent to the business and in no case shall be lined along the street frontage and within any right-of-way.
- B. The sign shall be appropriately anchored with a bolt system or other methods to ensure the sign is properly secured and the sign is not left out overnight at any time.
- C. The sign shall not be located in a landscape planter or a location which may create an impediment to pedestrian, disabled, or emergency access.
- D. Balloons, banners, flags, lights, or other similar items shall not be attached to or made a part of the sign.

d. **Window Sign**

Windows with permanent and/or temporary signage are allowed if they do not cover more than 50% cumulative total of permanent and temporary signage of the individual window

surface and shall be removed upon non-occupancy.

e. **Service Station-Identification**

1. **Freestanding Signs:**

- A. On-premises/Price Freestanding Sign. One maximum thirty (30) square-foot, including price advertising as required by State law sign per street frontage.
- B. Service stations, whether situated on an independent parcel, or incorporated as part of a commercial, industrial or office complex, shall have independent freestanding sign rights.

2. **Building and Pump Island Canopy Signs**

- A. Building wall and canopy signs shall be limited to two signs totaling no more than thirty-six (36) square-feet in combined display area. For service stations with multiple tenants, one additional building wall sign shall be allowed for each use, with a maximum combined sign area limit of fifty (50) square-feet.

3. **Pump Island Signs**

- A. One (1) non-illuminated wall or ground sign for each pump island, not to exceed a total of four (4) per station, with a maximum sign area of two (2) square feet per face. Special service signs shall be limited to such items as self serve, full serve, air, water, cashier, and shall be non-illuminated. Price signs must meet requirements of the California Business and Professions Code.

f. **Drive-through Restaurant Menu Boards.** In addition to the provisions for freestanding commercial business under *Subsection (b)(2)* of this Section, fast food restaurant with drive-thru or walk up facilities may be allowed up to two (2) menu or reader boards with a maximum area of twenty-five (25) square-feet each. Any pictures, photographs, representations, or logos within the perimeter of the board shall be included in the computation of maximum area for such boards.

Section 87.07124 SIGNS IN INDUSTRIAL DISTRICTS. No sign, outdoor advertising structure, or display of any kind shall be permitted in an Industrial District, except those provided for below and those provided in *Section 87.0790, Exempt Signs* and *Section 87.07130, Temporary Signs* or as otherwise provided in this Chapter. In addition to the standards provided below, consideration shall be given to a sign's relationship to the overall appearance of the subject property as well as the surrounding community.

a. **Single Tenant Building**

1. **Wall Signs**

- A. For each use or occupancy, one building sign per building frontage oriented towards a street, driveway, or parking area based on a maximum of one square-foot of sign area per one lineal foot of use or occupancy. For each occupancy with a minimum width of 80 feet, a maximum of two building signs shall be allowed on each building frontage oriented towards a street, driveway, or parking area provided the combined area of the two signs does

not exceed the allowable square-footage.

2. **Freestanding Signs**

- A. The cumulative total sign area allowed for freestanding signs shall be one (1) square-foot per five (5) linear feet of street frontage on which the sign is located.
- B. No single sign shall exceed sixty (60) square-feet in area.
- C. Maximum height of a Monument sign shall not exceed eight (8) feet or maximum height for a pole sign shall not exceed twelve (12) feet.

3. **Shingle Signs** Small suspended signs may be permitted subject to the following:

- A. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building suspended from a canopy
- B. Such signs shall not exceed five (5) square-feet in area and shall have a minimum ground clearance of eight (8) feet.

b. **Industrial Complexes & Multiple Tenant Buildings**

1. **Wall Signs**

- A. For each use or occupancy, one building sign per building frontage oriented towards a street, driveway, or parking area based on a maximum of one square-foot of sign area per one lineal foot of use or occupancy. For each occupancy with a minimum width of 80 feet, a maximum of two building signs shall be allowed on each building frontage oriented towards a street, driveway, or parking area provided the combined area of the two signs does not exceed the allowable square-footage.
- B. Subject to the approval of a sign program, the property owner may apportion the sign area to individual uses or overall building, or certain identification, provided that the total cumulative sign area is not exceeded.

2. **Freestanding Signs**

- A. The cumulative total sign area allowed for freestanding signs shall be one (1) square-foot per five (5) linear feet of street frontage on which the sign is located.
- B. No single sign shall exceed two hundred (200) square-feet in area.
- C. Maximum height of a Monument sign shall not exceed eight (8) feet or maximum height for a pole sign shall not exceed twelve (12) feet.

3. **Shingle Signs** Small projecting or suspended signs may be permitted subject to the following:

- A. Maximum of one (1) sign per building entrance is permitted provided that it is perpendicular to the main face of the building suspended from a canopy or

projects not more than three (3) feet from building face.

- B. Such signs shall not exceed five (5) square-feet in area and shall have a minimum ground clearance of eight (8) feet.

Section 87.07128 SIGNS IN SPECIFIC PLAN (SP) DISTRICTS

Sign Programs for special or unique uses as a part of a specific plan may be approved containing standards other than provided in this Chapter except that the provisions of Section 87.07100 *Sign Program* shall apply.

Section 87.07130 TEMPORARY SIGNS. Temporary signs shall not be installed prior to the issuance of a Temporary Sign Permit.

a. **Special Events (Charitable Community Events)**

- 1. **(Charitable Events)** Temporary Special Event Signs for Charitable Community Events (charitable events, fund raising sales and other similar community events) may be permitted as a means of publicizing an event for a limited, specified period subject to the following restrictions:

- A. Signs shall be removed promptly at the end of the special event or the display period but not to exceed 30 days, which ever occurs first.

- B. One (1) banner located on a building wall shall be allowed for non-profit, religious, charitable or fraternal organizations when used for the temporary advertising of special events, provided it does not exceed sixty (60) square feet.

- C. Where no building exists, one (1) thirty-two (32) square-foot banner detached from any building is allowed, provided it is announcing a charity or community event and is being displayed on the property in which the community or charity event is to take place.

- D. Provided consent of the property owner is granted in writing, a nonprofit, religious, charitable (501c3) or fraternal organization may display one "A" frame off-site temporary directional sign along either SR 62 or SR 247 for no more than three (3) events annually to advertise a charitable event, provided:

- 1. The sign is neither located within the public right-of-way or creates a visual obstruction for drivers of vehicles.

- 2. The sign complies with *Section 87.07122(b)(4)* of this code and may be displayed for the duration of the charitable community event.

- 2. **Civic Community Events:** Temporary Special Event Signs for Civic Community Events (holiday parades, festivals, and other similar civic events) where the Town is either a sponsor or co-sponsor of the event may be permitted as a means of publicizing an event for a limited specified period subject to the following restrictions:

- A. Signs shall be removed promptly at the end of the special event or the display period which ever occurs first but not exceed 30 days.

- B. Up to six (6) building wall mounted banners shall be allowed for civic organizations when used for temporary advertising special civic events provided each banner does not exceed one hundred (100) square feet and consent of the property owner is granted in writing.
- C. One 60 square-foot freestanding banner is limited to the site in which the event is to take place and cannot be located within the public right-of-way or create a visual obstruction for drivers of vehicles. Except that provided consent of the property owner is granted in writing, one (1) temporary banner not exceeding sixty 60 square-feet may be installed at each Town entryway along SR 62 to 30 days prior to the event and removed promptly at the end of the special event.

b. **Subdivisions and Model Home Signs (Temporary)**

The following shall apply to tracts and model home signs except for signs within developments with an adopted sign program, pursuant to *Section 87.07100*.

1. **On-site Freestanding Signs**

Freestanding signs shall be limited to one sign per street frontage and shall be located 10 feet from any street right-of-way on the project site. All signs shall be removed within 30 days after the sale/rental of the last unit in the project/subdivision. Refer to *Section 87.07140(b) & (c)* for regulations pertaining to off-site subdivision signs.

- A. For subdivisions up to 5 acres, one (1) sign is allowed, not to exceed a maximum sign area of 16 square feet, and not to exceed a maximum sign height of eight (8) feet.
- B. For subdivisions 5 to 40 acres, two (2) signs are allowed, not to exceed a maximum sign area of 16 square feet, and not to exceed a maximum sign height of eight (8) feet.
- C. For subdivisions more than 40 acres, two (2) signs are allowed, with a maximum of 32 square feet of sign area each, and eight (8) feet in height.

c. **Temporary Commercial and Industrial Signs.** Temporary commercial and industrial signs to publicize sales, new merchandise, close-outs, grand openings or other similar events may be permitted subject to the following restrictions:

- 1. A permit may be issued for temporary signs provided that a permit may not be issued to an applicant unless a period of time has elapsed which is two (2) times the length of time that the previous sign was permitted.
- 2. Temporary window signs may be permitted on outside facing windows if the cumulative total of any permanent and temporary signage (excluding open/close signs) does not cover more than 50% of the individual window surface.
- 3. Special event signs may include search lights, beacons, and small balloons; however, the display of such devices shall be limited to 2 days or less or the duration of the event.

4. One thirty two (32) square-foot, 8 foot-high non-illuminated freestanding sign per street frontage located on the subject property advertising a future facility/business or tenant provide the temporary sign is located ten (10) feet from any right-of-way and the sign is removed upon occupancy of the building.

5. **Banners and Flags:**

A. No banners, flags, pennants, hulas, streamers shall be displayed without a permit.

B. One banner not exceeding sixty (60) square-feet shall be permitted to advertise a special event provided the banner is attached to the space advertising the special event in accordance with the time frames specified above. However, in lieu of a building wall banner, one-thirty-two (32) square foot of sign area may be permitted for a maximum of thirty (30) calendar days that may be located on the property to advertise seasonal sale items such as pumpkins or Christmas trees.

C. The business owner/applicant shall immediately remove any banner, flag, pennant, hula and streamers determined to be tattered, torn, faded, no longer tightly attached to the building, abandoned, or non-maintained.

D. Pennants, hulas, streamers and other similar devices shall be limited to fleet services (i.e. car lots). The strings on which pennants, hulas, streamers and other such devices are hung, where permitted, shall be limited in length to not more than one and one half (1/2) times the street frontage of the property or tenant/building frontage.

E. Banners, flags, pennants, hulas and streamers shall not be displayed above the roof line of the building.

F. One maximum fifty (50) square-foot banner identifying the name of a new business may be displayed for no more than ninety (90) days.

d. **Political Signs (Temporary)**

Temporary political signs are exempt from Temporary Sign Permit fees, and are permitted on private property in all land use districts subject to the following limitations:

1. Signs shall not be displayed more than forty-five (45) days prior to an election, and shall be removed within fifteen (15) days after the same election.

2. Political signs shall have a maximum area of eight (8) square feet in residential land use districts and thirty-two (32) square feet in all other land use districts.

3. Such signs shall not be erected within any street intersection, clear sight triangle or at any location where the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign.

4. Such signs shall not be nailed or affixed to any tree, fence post or public utility pole and shall not be located in the public right-of-way or publicly owned land.
5. Such political signs shall be affixed in such a manner that they can be easily removed.

Section 87.07140 OFF-SITE SIGNS AND BILLBOARDS

a. Billboards

No new off-site advertising sign structures shall be located within the Town. Any owner of an existing permitted off-site billboard sign may replace such sign on the same site with another off-site billboard sign when located in the commercial land use districts subject to obtaining a Conditional Use Permit in accordance with the provisions of *Chapter 83.03105*.

The following conditions shall apply:

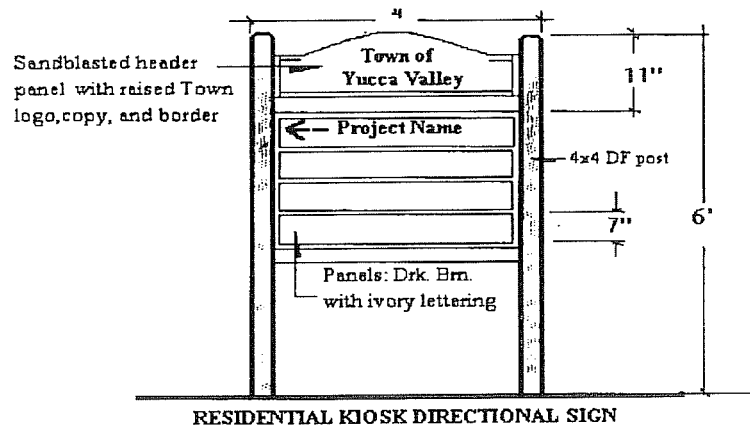
1. The advertising display area of the replacement sign shall not exceed the display area of the existing sign or signs to be replaced and in no event shall it be greater than 200 square feet per face with a maximum of two faces. Display area does not include decor or pole covers.
2. Any upgraded billboard sign located along a designated Scenic Highway Corridor shall be maintained at the same existing height. It shall be located so that no materials or structural feature, except poles or pilasters, shall extend into the cross visibility area between ground level and lower edge of the billboard sign.
3. Any upgraded billboard sign located along a designated Scenic Highway Corridor shall be treated so as to screen the billboard lighting from public view. The color and materials shall be subject to approval pursuant to the provisions of this Section.
4. The sign structure shall be located no closer than ten (10) feet to any property line.
5. Under no circumstances shall more than one new sign be erected to replace one sign removed.
6. The replaced sign(s) shall be removed prior to the use of the replacement sign.
7. The sign and structure shall be continuously maintained in an attractive, clean, and safe condition pursuant to this Section.
8. The sign structure shall not constitute a traffic hazard because of sign shape or its location in relationship to an official public traffic sign or signal.
9. The sign structure shall not contain any flashing or blinking light material, or mechanically activated or animated devices.
10. The sign structure shall be located in such a manner that it does not block the view of any on-site advertising sign on the same or adjoining parcels.

b. Off-Site Residential Subdivision Directional Signs

The following shall regulate and establish a standardized program of off-site residential and subdivision directional kiosk signs for the Town. For the purposes of this subsection, a residential subdivision is defined as a housing project within a recorded tract where five or more structures or dwelling units are concurrently undergoing construction.

1. **Kiosk Signs.**

A. The panel and sign structure design shall be in accordance with Fig 10.



RESIDENTIAL KIOSK DIRECTIONAL SIGN
Single Panel Signs

Figure 10

- B. A kiosk sign structure shall be located no less than 300 feet from an existing or previously approved Kiosk site, except in the case of signs on different corners of an intersection.
- C. The placement of each kiosk sign structure requires review and approval by the Community Development Director.
- D. All kiosk signs shall be placed on private property with written consent of the property owner or on Town right-of-way pursuant to issuance of a Town of Yucca Valley encroachment permit.
- E. A kiosk sign location plan shall be prepared, showing the site of each kiosk directional sign, and shall be approved by the Director prior to the issuance of a Sign Permit.
- F. There shall be no additions, tag signs, streamers, devices, display boards, or appurtenances added to the kiosk signs as originally approved. No other non-permitted directional signs, such as posters or trailer signs, may be used.
- G. All non-conforming subdivision kiosk directional signs associated with the subdivision must be removed prior to the placement of directional kiosk sign(s).
- H. Kiosk signs, or attached project directional signage, shall be removed when

the subdivision is sold out. The entity administering the program will be responsible for removal of panels and structures no longer needed.

- I. All kiosk sign structures shall conform with the following standard regulations:
 1. No more than one panel per development per side of a kiosk sign is permitted.
 2. Double sided kiosk signs are permitted.
 3. Kiosk sign panels may only contain the name of the subdivision, a directional arrow, and one sign copy color as indicated Figure 10.
 4. Kiosk sign structures with different size structures for major and local streets shall be considered by the Director or his/her designee. Design, size and height of kiosk structures and panels shall require approval of the Community Development Director.

- c. **Interim Temporary Off-Site Residential and Subdivision Signs.** Until such time as a Kiosk program is implemented by the Town Council, temporary off-site residential and residential subdivision signs shall be allowed subject to the approval of a Temporary Sign permit. Signs shall be of quality or near quality in composition normally associated with professionally manufactured signs.

Temporary off-site residential and subdivision signs shall be permitted subject to the following regulations:

1. **Residential Subdivision Signs:** For subdivisions as defined in this subsection, all signs shall conform to the following standards:
 - A. A maximum of four (4) off-site signs per subdivision shall be permitted.
 - B. The maximum area of any sign shall not exceed thirty-two (32) square-feet and no dimension shall exceed eight (8) feet.
 - C. The maximum height of any part of the sign shall not exceed eight (8) feet.
 - D. Signs shall be located a minimum of five hundred (500) feet from any other sign for the same subdivision and at least one hundred (100) feet from any other subdivision sign, except at intersections.
 - E. Signs shall not be located within any clear sight triangle as required by this Code.
 - F. Signs shall not be located closer than five (5) feet from the edge of the planned or ultimate right-of-way of any street.
 - G. Such off-site signs shall be permitted only on vacant property with written authorization from the property owner.

- H. No flags or banners shall be permitted for off-site sign.
 - I. Temporary Sign Permits shall be valid for twelve (12) months. Permits shall be renewed every twelve (12) months.
 - J. At the completion or build out of a subdivision all signs shall be promptly removed.
 - K. If after one hundred eighty (180) days no construction activity has occurred, all signs shall be promptly removed.
2. **Residential (Non Subdivision) Signs:** For residential development all signs shall conform to the following standards:
- A. A maximum of four (4) off-site signs per residence under construction shall be permitted.
 - B. The maximum area of any sign shall not exceed four (4) square-feet and no dimension shall exceed two (2) feet.
 - C. The maximum height of any part of the sign shall not exceed four (4) feet.
 - D. Signs shall be located a minimum of five hundred (500) feet from any other sign for the residence under construction and at least one hundred (100) feet from any other residential sign, except at intersections.
 - E. Signs shall not be located within any clear sight triangle as required by this Code.
 - F. Signs shall not be located closer than five (5) feet from the edge of the planned or ultimate right-of-way of any street.
 - G. Such off-site signs shall be permitted only on vacant property with the property owners written authorization.
 - H. No flags or banners shall be permitted for off-site sign.
 - I. Temporary Sign Permits shall be valid for twelve (12) months. Permits shall be renewed every twelve (12) months.
 - J. Such sign shall remain only during the period of time that the residence is being offered for sale and in any event shall be removed ten (10) days after the property is sold. Property shall be deemed sold upon the close of escrow or upon transfer of legal title, whichever occurs first.

Section 87.07145 OFF-SITE SIGNS ON PUBLIC PROPERTY

Private advertising signs may be placed on structures in the public right of way, such as bus shelters, if there is a licensing agreement approved by the Town Council authorizing such off-site signs on public property. An application for a sign permit must be approved prior to the construction of off-site signs on public property; and the applicant and the owner of the sign shall comply with the

provisions of *Section 87.07160* regarding sign construction and maintenance standards.

Section 87.07146 PUBLIC AND INSTITUTIONAL FACILITY DIRECTIONAL SIGNS

a. **Intent**

It is the intent of this section to establish criteria for those signs used to identify public facilities that are either public service integrated and Town owned or acknowledged through joint partnership agreements and institutional uses.

Public and institutional facilities signs play an important role in guiding and directing citizens and visitors to public and institutional facilities within the Town. Additionally, it is important with current sign issues on SR62 and on local roads that the installation of directional signs does not create additional sign clutter following installation. It is the intent of this section to establish guidelines for primary Town owned and operated public facilities and institutional facilities. Prior to consideration of approval for installation of the directional signs, the Traffic Commission and Town Council shall carefully consider the use of the public facility and institutional facility and the need for directional signing both along the state highway and/or on local roads.

b. **Justification:** A Directional Sign for the purposes of identifying site location is warranted when any of the following facility criteria are met:

1. The facility is public service integrated, i.e. official Federal, State, County of San Bernardino, Town of Yucca Valley facilities, as well as regionally and community significant park facilities, and institutional facility.
2. The facility is owned or operated by the Town of Yucca Valley.
3. The facility is involved in a current joint partnership agreement with the Town.

c. **Appearance:**

1. Signs to be installed along State Highways:
 - A. All signs installed along State highways shall conform to the height, size and color requirements as stipulated in the *CalTrans Traffic Manual*.
2. Signs to be installed along roads within Town right-of-way:
 - A. All signs shall be constructed of aluminum alloy material and include an engineering grade, smooth reflective sheeting or reflective baked enamel finish.
 - B. Sign shape shall be rectangular with a maximum horizontal length of 36 inches and a maximum vertical length of 24 inches.
 - C. Sign color shall be a blue reflective background with reflective white lettering and symbol. Public park identification signs shall be the Federal Standard of brown background with reflective white lettering.
 - D. Sign post shall have "break-away" capability and be either a singular square steel tube, steel u-post or wooden material.

E. Sign height, once installed, shall not exceed 80 inches and shall be a minimum of 48 inches high.

d. **Location:**

1. Signs installed along State Highways:

A. All signs proposed along State Highways shall conform to the installation requirements pursuant to the CalTrans *Traffic Manual*.

2. Signs installed along roads within Town right-of-way:

A. Signs installations shall be limited to only those streets that are included in the Town's maintained road system.

B. Sign placement shall be determined by the Town's Engineering Division.

C. The number of signs installed for a specific facility shall be determined by the Town's Engineering Division.

D. Maintenance of the signs shall become the responsibility of the Town.

e. **Approval:**

1. All directional Signs:

A. All public facility directional signs shall be approved by the Town Traffic Commission prior to installation.

Section 87.07147 WALL MURAL DESIGN CRITERIA

a. **Criteria**

1. **Maximum Number of Murals Per Site:** One (1) mural per structure may be approved by the Planning Commission. In unique circumstances whereby the design of the mural(s) and structure are enhanced by additional murals, the Planning Commission may allow for more than one mural per structure.

2. **Advertisement Value:** Words and/or images may not generally be incorporated within the proposed mural which specifically identifies or reflects the business, products and/or services provided by the business occupying the structure.

3. **Design Theme:** Desert-Western, compatible with the building design and surrounding properties.

4. **Sign Area:** Wall mural signs shall not be calculated as business advertising signage and is not subject to the maximum wall sign area ratio. Murals can occupy an entire single wall on which the mural is applied.

5. **Color Scheme:** The colors used in the mural signs shall be complimentary and harmonious with the exterior colors of the building and consistent with the Desert-Western concept and surrounding properties. Florescent colors would not be considered in keeping with the Desert-Western concept.

6. **Permitting Process:** All Wall Mural applications shall be processed through the Design Merit Program process.
7. **Findings:** Prior to approving a Wall Mural application, the Planning Commission shall find and justify that all of the following are true:
 - A. The proposed mural exhibits exceptional design quality and incorporates high quality material that enhance the overall development and appearance of the site and will not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic;
 - B. The proposed mural is well integrated with the buildings and other elements of the property and is harmonious with the surrounding desert character;
 - C. The proposed mural, by its design, construction and location, will not have a substantial adverse effect on abutting property or the permitted use thereof, and will contribute to the Town's unique character and quality of life;
 - D. The proposed mural is consistent with the goals, policies and standards of the Town's General Plan and applicable specific plans;
 - E. That the granting the Wall Mural Permit is based upon its distinct quality and does not constitute a granting of special privileges beyond those provided for by criteria provided above.

Section 87.07150 ABANDONED SIGNS

- a. A sign or sign structure that is nonconforming shall be removed by the owner or lessee of the premises upon which the sign or structure is located when for a period not less than 90 days the business or product identified in the sign is no longer conducted on the premises, the structure upon which the sign is displayed is abandoned, or the advertising is no longer displayed on the sign structure. If the owner or lessee fails to remove the sign, the Director shall give the owner 30 days written notice to remove it. Upon failure to comply with the notice, the Director may have the sign removed at the owner's expense.
- b. Any legal, conforming structural supports for an abandoned sign may remain, if installed with a blank sign face and supporting structures are maintained.

Section 87.07160 CONSTRUCTION AND MAINTENANCE

- a. Every sign, and all parts, portions, and materials shall be manufactured, assembled, and erected in compliance with all applicable State, Federal, and Town regulations and the Uniform Building Code.
- b. Every sign, including those specifically exempt from the provisions of this Chapter with respect to permits and permit fees, and all parts, portions, and materials shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion. Any cracked, broken surfaces, malfunctioning lights, missing sign copy or other non-maintained or damaged portion of a sign shall be repaired or

replaced within 30 calendar days following notification by the Town. Failure to do so may result in the sign being adjudged a nuisance and abated in accordance with Section 87.07190 et seq. of this code.

Section 87.07170 NONCONFORMING SIGNS

- a. **Purpose and Intent.** The requirements of this Section are intended to recognize that the eventual elimination of signs that do not comply with the provisions of this Chapter is as important as the prohibition of new signs that would violate these standards.
- b. Any sign legally existing on the effective date of this Ordinance that does not comply with the regulations of this Chapter shall be deemed to be a nonconforming sign.
- c. A legally established sign which fails to conform to this Chapter shall be allowed as a continued use until such time any of the following occurs first:
1. Structurally altered so as to extend its useful life.
 2. Expanded, moved, or relocated.
 3. Re-established after damage or destruction of more than 50% and the destruction is other than facial copy replacement and the display is not repaired within 30 days of the date of its destruction.
 4. There is a change in ownership of the property, inheritance by a member of a deceased owner's family shall not be deemed to constitute a change of ownership;
 5. The business or land use activity is discontinued or sold;
 6. The property is subdivided or the real property upon which the sign is located is severed from the real property upon which the business or primary use of the entire parcel is located, by lease, lease-back, or any other arrangement, method or device which would otherwise circumvent the intent of this section;
 7. A Conditional Use Permit, Site Plan Review, or Land Use Compliance Review is granted for the property or use of the property;
 8. A Sign Permit is issued permitting installation or construction of a new or additional sign on the property;
 9. Whenever there is a change in ownership or tenancy of any business or tenant space within a shopping center, new wall signage and/or freestanding sign conforming to the requirements of this Chapter that identifies such change is permitted although nonconforming signs exist within the center. However, no change of sign copy to identify such change in ownership or tenancy shall be permitted on any nonconforming sign.

Section 87.07190 ENFORCEMENT

- a. **Stop Work Orders.** The issuance of a sign permit shall not construe a waiver of any provisions of this Chapter or any other ordinance of the Town. The Building Official, or other designated person, is authorized to issue a stop work order for any sign or advertising display installation which is being erected or displayed in violation of this Chapter, or any other ordinance of the Town.

- b. **Revocation.** Upon failure of the holder or applicant to comply with the provision of this Chapter or the conditions of approval of the sign permit, the Director is authorized and empowered to revoke any permit with a written statement of the reasons for revocation.

- c. **Public Nuisances.**
 - 1. The following signs and advertising displays are hereby declared to be public nuisances:
 - A. Signs and advertising displays illegally erected, placed or encroaching on or over any public right-of-way;

 - B. Any sign or advertising display declared to be hazardous or unsafe by the Director, the Building Official, or any other Town designated person.

 - 2. A Town enforcement officer may, without notice, move, remove, and/or dispose of a sign or advertising structure that has been declared a public nuisance in accordance with *Subsection (a)* above. In addition, an enforcement officer may authorize any work required to correct a hazardous or unsafe condition.

 - 3. A Town enforcement officer shall charge the costs of processing, moving, removing, disposing, correcting, storing, repairing or working on a sign or sign structure to any one of all of the following, each of which shall be jointly and individually liable for said expenses.
 - A. The permittee; and/or

 - B. The owner of the sign; and/or

 - C. The owner of the premises on which the sign is located.

 - 4. The charge for expenses shall be in addition to any penalty for the violation and recovery of the sign does not necessarily cancel the penalty.

 - 5. Signs made of paper, cardboard, lightweight wood or inexpensive plastic or similar materials which are removed, may be discarded immediately. All other removed signs shall be held thirty (30) days by the Town, during which period it may be recovered by the owner paying the Town for costs of removal, storage, and processing. If not recovered within the allowed thirty (30) day period, the sign and structure is hereby declared abandoned and title thereto shall vest to the Town.

- d. **Abatement of Signs.** The Community Development Director shall order the abatement, abate, or cause to be abated any temporary or permanent sign erected, placed or displayed in

violation of this Chapter in accordance with the following:

1. **Notice**

- A. A written notice shall be sent or delivered to the owner of the sign or advertising display, or his representative, ordering abatement of the illegal or obsolete display, except as noted above. Temporary signs or advertising displays shall be ordered to be removed or abated immediately. Signs other than temporary signs or advertising displays shall be ordered to be abated within ten (10) days.

- B. Subsequent to or in lieu of the notice to abate, the Director may cause to be mailed by registered or certified mail written notice to the owner of the sign, at the last known address or to the owner of the property as shown on the latest assessment roll, or to the occupant of the property at the property address. The notice shall describe the sign and specify the violation involved, and indicate that the sign will be removed if the violation is not corrected within ten (10) days.

e. **Appeal**

The owner may, within the ten (10) day period, appeal the notice to the Town Council. Appeals shall be made on forms provided by the Planning Division and fees shall be paid as established by the Town fee schedule. There shall be a stay of abatement until a decision is rendered by the Town Council.

f. **Abatement**

After the expiration of the ten (10) day notice period, the enforcement officer may enter the property and abate the sign or advertising display. The Town may also contract for the abatement.

g. **Assessments**

The Town may order a special assessment and place a lien against the property for reimbursement of all costs in accordance with *Chapter 6.04* of the Town of Yucca Valley Municipal Code.

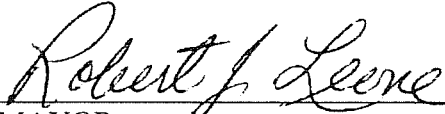
h. **Alternatives**

Nothing in this Chapter shall be deemed to prevent the Town Council from ordering the Town Attorney to abate the alleged nuisance or to obtain any other appropriate remedy in addition to, as an alternative to, or in conjunction with the procedures authorized by this Chapter. Nor shall the implementation of this Chapter be deemed to prevent appropriate authorities from commencing a criminal action based upon the conditions constituting the alleged nuisance.”

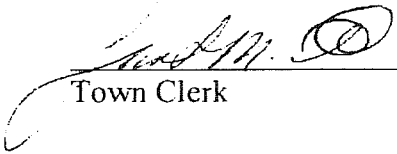
SECTION 2. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption. Section 87.07170(c)(4) and (5) shall become operative October 2, 2006.

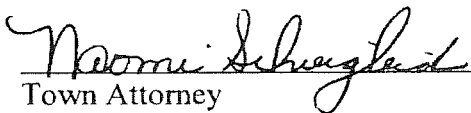
APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 2nd day of September, 2004.


MAYOR

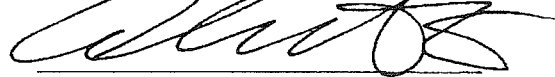
ATTEST:


Town Clerk

APPROVED AS TO FORM:


Town Attorney

APPROVED AS TO CONTENT:


Town Manager

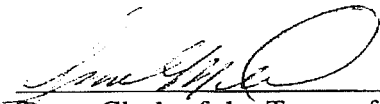
STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing Ordinance No. 156 as duly and regularly introduced at a meeting of the Town Council on the 19th day of August, 2004, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 2nd day of September, 2004, by the following vote, to wit:

Ayes: Council Members Cook, Earnest, Mayes, Neeb and Mayor Leone
Noes: None
Absent: None
Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 7th day of September, 2004.

(SEAL)



Town Clerk of the Town of
Yucca Valley

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor & Town Council
From: Shane R. Stueckle, Deputy Town Manager
Date: February 29, 2012
For Council Meeting: March 6, 2012

Subject: Sign Ordinance Enforcement
Temporary Signs, Banners & Flags for Commercial & Industrial Enterprises
Joint Town Council & Planning Commission Meeting
Sign Ordinance Review

Prior Council Review: At its meeting of February 1, 2011 the Town Council established a one year suspension of enforcement of time periods for temporary commercial and industrial signs. That suspension expired in February 2012.

Recommendation: That the Town Council:

1. Continues the suspension of enforcement of the time periods established for temporary commercial and industrial signs as established in Section 87.07130 (c), until the Town Council and Planning Commission convene in Joint Session to review the Sign Ordinance;
2. Directs staff to evaluate the potential for "community event and economic development" sign standards and locations within the sign regulations;
3. Directs staff to schedule a joint meeting of the Town Council and Planning Commission to discuss the existing Sign Ordinance and to provide direction to staff and the Planning Commission for preparation of revisions to the existing sign regulations with the update to the Development Code.

Executive Summary: At its meeting of February 1, 2011, the Town Council established a one year suspension of enforcement of time periods for temporary commercial and industrial signs. That suspension expired in January 2012.

Order of Procedure:

Request Staff Report
Request Public Comment
Council Discussion/Questions of Staff
Motion/Second
Discussion on Motion
Call the Question (Voice Vote)

Reviewed By:	_____	_____	_____
	Town Manager	Town Attorney	Mgmt Services
			SRS _____
			Dept Head

_____ Department Report	_____ Ordinance Action	_____ Resolution Action	_____ Public Hearing
_____ Consent	X _____ Minute Action	_____ Receive and File	X _____ Policy Discussion

Discussion: Ordinance 156, Sign Regulations was adopted by the Town Council in September 2004. Ordinance 156 establishes sign regulations for all signs erected in the Town, both temporary and permanent. Section 87.07130 (c) regulates the time limits, types of signs and sizes allowed for temporary signs.

The Town's regulations for temporary commercial and industrial signs are as follows.

- c. **Temporary Commercial and Industrial Signs.** *Temporary commercial and industrial signs to publicize sales, new merchandise, close-outs, grand openings or other similar events may be permitted subject to the following restrictions:*
1. *A permit may be issued for temporary signs provided that a permit may not be issued to an applicant unless a period of time has elapsed which is two (2) times the length of time that the previous sign was permitted.*
 2. *Temporary window signs may be permitted on outside facing windows if the cumulative total of any permanent and temporary signage (excluding open/close signs) does not cover more than 50% of the individual window surface.*
 3. *Special event signs may include search lights, beacons, and small balloons; however, the display of such devices shall be limited to 2 days or less or the duration of the event.*
 4. *One thirty two (32) square-foot, 8 foot-high non-illuminated freestanding sign per street frontage located on the subject property advertising a future facility/business or tenant provide the temporary sign is located ten (10) feet from any right-of-way and the sign is removed upon occupancy of the building.*
 5. **Banners and Flags:**
 - A. *No banners, flags, pennants, hulas, streamers shall be displayed without a permit.*
 - B. *One banner not exceeding sixty (60) square-feet shall be permitted to advertise a special event provided the banner is attached to the space advertising the special event in accordance with the time frames specified above. However, in lieu of a building wall banner, one-thirty-two (32) square foot of sign area may be permitted for a maximum of thirty (30) calendar days that may be located on the property to advertise seasonal sale items such as pumpkins or Christmas trees.*

- C. *The business owner/applicant shall immediately remove any banner, flag, pennant, hula and streamers determined to be tattered, torn, faded, no longer tightly attached to the building, abandoned, or non-maintained.*
- D. *Pennants, hulas, streamers and other similar devices shall be limited to fleet services (i.e. car lots). The strings on which pennants, hulas, streamers and other such devices are hung, where permitted, shall be limited in length to not more than one and one half (1/2) times the street frontage of the property or tenant/building frontage.*
- E. *Banners, flags, pennants, hulas and streamers shall not be displayed above the roof line of the building.*
- F. *One maximum fifty (50) square-foot banner identifying the name of a new business may be displayed for no more than ninety (90) days.*

The above information does not address what would be referred to as permanent signage, such as wall signs, monument signs, free standing signs, etc.

As the Council will recall, revisions to the Town's sign regulations are a part of the Development Code update. The purpose of the joint meeting with the Planning Commission is for discussion and Town Council direction to staff and the Planning Commission for addressing sign regulations with the Development Code update process.

Staff is also recommending that opportunities be evaluated for establishing "community event and economic development" sign regulations and standards. Historically and as contained within the existing sign regulations, temporary signs for community events are allowed in specified locations. The opportunity to enhance signage for community events and Town sponsored economic development activities was recently seen with the electronic reader boards placed along SR 62 and SR 247 for the Griffin King of the Hammers event.

The primary focus at the joint meeting will be directed towards the following sign ordinance regulations.

Permanent Signs:

- Maximum Sign Height
- Maximum Sign Area
- Maximum Number of Signs

Temporary Signs:

- Types of Temporary Signs
- Maximum Number of Signs
- Length of Time Allowed for Display
- Location/Placement of Temporary Signs
- Community Event and Economic Development Signs

Planning staff researched and compiled sign regulations from the Coachella and Victor Valley Communities, and that information will be available for the Council and Commission discussions at the joint meeting.

Alternatives: The Town Council may desire to identify other Sign Ordinance provisions and provide direction to staff bring back a more thorough analysis of sign ordinance issues for future Council consideration.

Fiscal impact: N/A

Attachments: Town Council Minutes, February 1, 2011
Town Council Minutes, January 19, 2010
Town Council Minutes, November 17, 2009
Sign Ordinance