

ORDINANCE NO. 19-1923

AN ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, ADOPTING A TEXT AMENDMENT TO CHAPTER 1 (ZONING) OF TITLE IX (PLANNING AND ZONING) OF THE CARSON MUNICIPAL CODE REGARDING TEMPORARY SIGNS AMENDING SECTIONS 9126.29 AND 9126.7 AND ADDS SECTION 9126.72 TO INCLUDE TIME, PLACE, AND MANNER RESTRICTIONS TO TEMPORARY OFF-SITE SIGNS IN THE PUBLIC RIGHT-OF-WAY. SECTIONS 9136.7(D) AND 9146.7(D) (SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES), SECTION 9167.1 (PROCEDURES RELATING TO SIGNS), SECTION 9167.3 (PROHIBITED SIGNS), AND SECTION 9167.8 (REMOVAL OF UNAUTHORIZED SIGNS IN THE PUBLIC RIGHT-OF-WAY) ARE ALSO AMENDED TO BE CONSISTENT WITH SECTION 9126.7(A). SECTION 9167.9 IS ADDED TO IDENTIFY THE SIGNAGE RESTRICTIONS FOR MOBILE VENDING TRUCKS AND SIDEWALK VENDORS. FINALLY, SECTION 9172.29 IS ADDED TO IDENTIFY THE PROCEDURE TO REQUEST AN EXCEPTION FROM THE PROHIBITION AGAINST SIGNS

WHEREAS, the City of Carson, pursuant to its police power, has the authority to take appropriate action to address concerns regarding traffic safety and aesthetics, as they relate to signs. *Metromedia Inc. v. City of San Diego*, 453 U.S. 490 (1981).

WHEREAS, signs constitute speech protected by the First Amendment of the United States Constitution, and by Art. 1, Sec. 2, of the Constitution of the State of California and that its regulation of signs must be consistent with these protections.

WHEREAS, the City Council of the City of Carson finds that an uncontrolled proliferation of signs within the City is harmful to the public's health, safety and welfare, in that such signs are aesthetically displeasing and constitute a traffic hazard, as drivers will be distracted by attempting to read an excessive number of signs that are placed in a haphazard manner.

WHEREAS, the City's interests in traffic safety and aesthetics underlying these regulations are substantial interests. *National Advertising Co. v. City of Orange*, 861 F.2d 246, 248 (9th Cir. 1988); *Foti v. City of Menlo Park*, 146 F.3d 629 (9th Cir. 1998).

WHEREAS, the City Council finds that the citizens of Carson and visitors to the City have a substantial interest in visiting, living, and working in an aesthetically pleasing city.

WHEREAS, the City Council finds that the citizens of Carson and all those who travel in and through the City have a substantial interest in traffic safety within the City.

WHEREAS, the City Council finds that real estate sales and garage or estate sales are businesses for which on-premises signage does not provide adequate advertising of the goods or services sold because the nature of these businesses is such that effective advertising by way of permanent on-premises signage is impractical: the business's primary and most effective way to notify people of the available goods or services is by directing passers-by to the location of the goods or services; and the businesses do not have a fixed place of business or the goods or services themselves cannot practically be viewed and/or sold out of one business location.

WHEREAS, current regulations allow on-site commercial signage while prohibiting off-site advertising signs, the City Council having found that onsite commercial speech is more valuable than offsite commercial speech, as permitted by *Outdoor Systems, Inc. v. City of Mesa*, 997 F.2d 604, 611 (9th Cir. 1993) and *Metromedia Inc. v. City of San Diego*, 453 U.S. 490 (1981).

WHEREAS, the City Council finds that businesses that intend to use the public right-of-way to place their temporary commercial signs may create a safety risk for pedestrians and vehicular traffic and should therefore indemnify the City for any injuries or damages caused by signs placed in the parkways.

WHEREAS, pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), the proposed ordinance amendment is an update and improvement to the existing standards and guidelines in the Carson Municipal Code and is exempt under the general rule. The text amendment will generate no direct significant environmental impacts.

WHEREAS, the City Council finds that the publication of the entire text of this ordinance in a newspaper of general circulation would cost significantly more than the cost of publishing other ordinances and it is infeasible to prepare a fair and accurate summary of the ordinance.

WHEREAS, pursuant to subdivision (c) of Section 36933 of the California Government Code, the City Council may publish a summary of this ordinance in lieu of the entire text; and

WHEREAS, the City Council previously ordered that a display advertisement of at least one-quarter of a page be published in a newspaper of general circulation in the City, and that such publication occurred at least five days prior to the City Council meeting at which the ordinance was adopted.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1.** Section 9126.29 (Signs) of Division 6 (Site Development Standards) of Part 2 (Residential Zones) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby amended by deleting strikethrough text and adding underlined text with all other text remaining unchanged as follows:

Type of Encroachment	Type of Yard	Section No. Reference	9126.22	9126.221	9126.23	9126.24		9126.25		9126.26	9126.27	9126.28		
			Future Right-of-Way Areas	Parking Setback (between street or alley & garage door or parking space)	Front Yard	Side Yard		Rear Yard		50% of area - building encroachment permitted	50% of area required to remain open	Passageway	Space Between Buildings (on same lot)	Usable Open Space
						Less than 60' from front lot line	60' or more from front lot line							
Real Estate Advertising Residential Property Sign				One <u>Two</u> temporary sign signs per lot as provided in CMC 9126.7										

**Section 2.** Section 9126.7 (Signs) of Division 6 (Site Development Standards) of Part 2 (Residential Zones) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

“A. Sign posts, window placards, and A-frame signs on residential properties are permitted, as follows:

1. Sign Posts.
  - a. Single Family Units. One unlighted sign post is permitted, not to exceed 3 square feet in area and 4 feet in height if on a straight stake or stakes or 6 square feet in area and 6 feet in height if on a colonial post.
  - b. Multi-family developments. Only one master post shall be permitted for all straight stake posts, colonial posts, and riders. The height of the master post shall not exceed 8 feet and shall not exceed 6 square feet. Multi-family developments with more than one street frontage may place one master post per street frontage.
  - c. Sign posts shall be situated not less than 10 feet from the inside line of the sidewalk, or if there is no sidewalk, from the property line, except, if the building setback on such premises is less than 10 feet, such sign shall be situated not less than one-half the setback from the inside line of the sidewalk or property line.

- d. Two riders, not larger than 6 by 24 inches, are permitted to be placed under the main sign face. Information may be printed on both sides of the riders.
- 2. Window Placards. A placard not over 2 square feet in area may be placed in the window of a residential building or unit.
- 3. A-Frame Signs. A-frame signs placed on a residential property are subject to the following limitations.
  - a. Single Family. One on-site A-frame sign, not to exceed 3 square feet in area and not to exceed 3 feet in height, shall be permitted.
  - b. A-frame signs shall only be placed on-site on Fridays, between the hours of 11:00 a.m. and 3:00 p.m. and Saturdays, Sundays, and Federal holidays between the hours of 10:00 a.m. and 6:00 p.m.

B. Signs on residential property are subject to the following restrictions:

- 1. No signs other than sign posts, window placards, A-frame signs, and lawn signs are permitted on residential properties.
- 2. No more than 2 sign posts, A-frame signs, and lawn signs, in any combination, shall be permitted per street frontage per single family property. No more than 2 A-frame signs per 1/4 acre of lot size, in addition to a master sign post, shall be permitted for multi-family properties.
- 3. Signs shall not be placed so as to obstruct pedestrians' and motorists' view of signs erected by a local, state, or federal governmental agency, including but not limited to traffic signs, public directional signs, parking signs, and street address signs.
- 4. Signs shall not be placed so as to obstruct or hinder sidewalk or street access by pedestrians and vehicles.
- 5. Signs shall not be placed so as to obstruct ingress and egress to any public or private property.
- 6. Signs shall not be designed or constructed to cause undue distraction to motorists. For example, signs shall not be illuminated, either internally or externally, shall not have flashing lights, shall not have any moving parts, shall not generate any source sounds (including radio waves), shall not release steam or smoke, and shall not look like traffic signs.
- 7. Signs may be subject to other reasonable restrictions, or modifications to the above restrictions, which the Community Development Director finds are necessary to ensure that the signs do not constitute a threat to property, traffic, or pedestrians. Such restrictions may include, but shall not be limited to, moving signs so as not to obstruct visibility, weighing down signs in windy conditions, etc."

**Section 3.** Section 9126.72 (Off-site Temporary Commercial Signs) of Division 6 (Site Development Standards) of Part 2 (Residential Zones) of Chapter

1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is added as follows:

### **“9126.72 Temporary Off-Site Signs in the Public Right-of-Way**

- A. Notwithstanding the prohibition of signs on public property, as provided for in Section 9176.3(A), temporary off-site signs are permitted in the public right-of-way, as follows:
  1. Signs for any business that provides goods or services that meet one or more of the following criteria,
    - a. The business is of a transitory or temporary nature, or
    - b. The goods or services themselves cannot practically be viewed and/or sold out of a fixed business location.
  2. Before a business may place its signs in the public right-of-way pursuant to this section, the Director must make a finding, in accordance with the procedures in Section 9172.29, that a particular type of business satisfies the criteria herein.
  3. Temporary off-site signs for the following goods and services are deemed to satisfy the criteria for the exception in subsection (A) above:
    - a. Real estate directional signs, directing to properties that are for sale or for rent.
    - b. Yard sale directional signs, including garage sales and estate sales, directing where such sales are to occur.
  4. Indemnification Required. No person shall place off-site signs in the public right-of-way prior to executing an indemnification agreement with the City to the satisfaction of the City Attorney, releasing the City from any liability that may arise from the placement of the signs in the public right-of-way, and indemnifying the City from any third party claims or liability arising from the placement of the signs in the public right-of-way. Any sign placed in the public right-of-way prior to the execution of the indemnification agreement shall be deemed illegal and subject to immediate removal.
  5. Temporary off-site signs in the public right-of-way are subject to all of the following time, place, and manner limitations:
    - a. Signs shall not be permanently affixed, but should be anchored or weighed down to prevent them from falling or being blown into the street or sidewalk.
    - b. The purpose of the sign is limited to indicating in which direction potential buyers or customers should proceed to locate the event.

- c. Temporary off-site signs in the public right-of-way shall only be placed in landscaped parkways, and shall not be placed on the sidewalk or in the center street median.
- d. No signs shall be placed on utility poles, light or traffic light poles, traffic signs or traffic sign poles, or street trees. No more than a total of 6 signs per property/yard sale may be permitted at any one time.
- e. A distance of 500 feet or more is required between individual temporary off-site signs on the same street. This limitation does not apply to signs that pertain to different properties/events.
- f. The background sign area of a temporary off-site sign shall be no larger than 3 square feet.
- g. Temporary off-site signs shall not exceed 3 feet in height, measured from the highest street grade in contact with the sign to the top of the sign.
- h. No temporary off-site signs shall be placed so as to obstruct pedestrians' and motorists' view of traffic and of signs erected by a local, state, or federal governmental agency, including but not limited to traffic signs, public directional signs, parking signs, and street address signs.
- i. No temporary off-site signs shall be placed so as to obstruct or hinder sidewalk or street access by pedestrians and vehicles.
- j. No temporary off-site signs shall be placed so as to obstruct ingress and egress to any public or private property.
- k. Temporary off-site signs shall not be designed or constructed to cause undue distraction to motorists. For example, signs shall not be illuminated, either internally or externally, shall not have flashing lights, shall not have any moving parts, shall not generate any source sounds (including radio waves), and shall not release steam or smoke.
- l. Temporary off-site signs shall only be placed in the public right-of-way on Fridays, between the hours of 11:00 a.m. and 3:00 p.m. and Saturdays, Sundays, and federal holidays, between the hours of 10:00 a.m. and 6:00 p.m.
- m. Temporary off-site signs shall be subject to any other reasonable restrictions, or modifications to the above restrictions, which the Community Development Director finds are necessary to ensure that signs do not cause a hazard to vehicle traffic, pedestrians, or property.

B. This section is subject to the substitution clause articulated in Section 9167.7.

C. Violations.

1. Violations of subdivisions (A) and (B) shall be subject to the following civil fines within a calendar year: (a) \$50.00 for the first violation; (b) \$75.00 for the second violation; and (c) \$100.00 for the third and any subsequent violation.
2. Fines shall be payable within 30 days of issuance. Late payment shall incur a late penalty equal to the amount of the fine. The failure of any person, within 60 days of the date of issuance of a fine, to pay the fine and any applicable late penalty, may result in the matter being referred to the Director of Finance to file a claim with the Small Claims Court. Alternatively, the City may pursue any other legal remedy to collect the civil fines. The City may also recover its collections costs according to proof.
3. Violations shall be recorded by realtor office address, rather than by individual property for sale; provided that if the property is being sold by its owner, the violations shall be recorded against the property that is for sale.
4. The remedies provided in this section are in addition to any other remedies and penalties that may be available under the Carson Municipal Code and the laws of the State of California.”

**Section 4.** Subdivision (D) Section 9136.7 (Signs) of Division 6 (Site Development Standards) of Part 3 (Commercial Zones) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

“Temporary Signs. Temporary on-premises signs are permitted on commercial properties, subject to the following limitations:

1. One unlighted sign structure is permitted per lot; except on parcels larger than 5 acres, one such sign structure is permitted for each street frontage of the parcel.
2. A sign structure may have any number of sign faces but the total sign area shall not exceed 50 square feet per sign structure.
3. All portions of a sign structure shall be not less than 10 feet from the inside line of the sidewalk, or if there is no sidewalk, from the lot line, except, if the building setback is less than 10 feet, the sign structure shall be not less than one-half the setback from the inside line of the sidewalk or lot line.
4. A free-standing temporary sign shall not exceed 30 feet in height.
5. A temporary sign may be affixed to a building but shall not project above the height of the building wall or roof fascia.
6. Advertising copy shall pertain only to the premises upon which the sign is located.
7. Any such signs shall be removed within two weeks after the conclusion of the event advertised.
8. Temporary signs shall be limited to no more than four 30-day periods per calendar year, for a total of 120 days per calendar year.

9. Violations.

- a. Violations of this Subdivision (D) shall be subject to the following civil fines within a calendar year: (a) \$50.00 for the first violation; (b) \$75.00 for the second violation; and (c) \$100.00 for the third and any subsequent violation.
- b. Fines shall be payable within 30 days of issuance. Late payment shall incur a late penalty equal to the amount of the fine. The failure of any person, within 60 days of the date of issuance of a fine, to pay the fine and any applicable late penalty, may result in the matter being referred to the Director of Finance to file a claim with the Small Claims Court. Alternatively, the City may pursue any other legal remedy to collect the civil fines. The City may also recover its collections costs according to proof.
- c. Violations shall be recorded by realtor office address, rather than by individual property for sale; provided that if the property is being sold by its owner, the violations shall be recorded against the property that is for sale.
- d. The remedies provided in this section are in addition to any other remedies and penalties that may be available under the Carson Municipal Code and the laws of the State of California."

**Section 5.** Subdivision (D) of Section 9146.7 (Signs) of Division 6 (Site Development Standards) of Part 4 (Industrial Zones) of Chapter I (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

"Temporary Signs. Temporary on-premises signs are permitted, subject to the following:

1. One unlighted sign structure is permitted per lot; except on parcels larger than 5 acres, one such sign structure is permitted for each street frontage of the parcel.
2. A sign structure may have any number of sign faces but the total sign area shall not exceed 100 square feet per sign structure.
3. All portions of a sign structure shall be not less than 10 feet from the inside line of the sidewalk, or if there is no sidewalk from the lot line, except, if the building setback is less than 10 feet, the sign structure shall be not less than one-half the setback from the inside line of the sidewalk or lot line.
4. A free-standing temporary sign shall not exceed 30 feet in height.
5. A sign may be affixed to a building but shall not project above the height of the building wall or roof fascia.
6. Advertising copy shall pertain only to the premises upon which the sign is located.

7. Temporary signs shall be removed within 2 weeks after the event or sale advertised.
8. Temporary signs shall be limited to no more than four 30-day periods per calendar year, for a total of 120 days per calendar year.
9. Violations.
  - a. Violations of this Subdivision (D) shall be subject to the following civil fines within a calendar year: (a) \$50.00 for the first violation; (b) \$75.00 for the second violation; and (c) \$100.00 for the third and any subsequent violation.
  - b. Fines shall be payable within 30 days of issuance. Late payment shall incur a late penalty equal to the amount of the fine. The failure of any person, within 60 days of the date of issuance of a fine, to pay the fine and any applicable late penalty, may result in the matter being referred to the Director of Finance to file a claim with the Small Claims Court. Alternatively, the City may pursue any other legal remedy to collect the civil fines. The City may also recover its collections costs according to proof.
  - c. Violations shall be recorded by realtor office address, rather than by individual property for sale; provided that if the property is being sold by its owner, the violations shall be recorded against the property that is for sale.
  - d. The remedies provided in this section are in addition to any other remedies and penalties that may be available under the Carson Municipal Code and the laws of the State of California."

**Section 6.** Section 9167.1 (Signs) of Division 7 (Signs) of Part 6 (General Development Standards) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is repealed and replaced with the following:

- "A. In no case shall a lighted sign or lighting device thereof be so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, walkway or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- B. When signs are constructed with two or more faces, all faces may be used except as otherwise specified in this Chapter; provided, that the total sign face area shall be considered to be the sum of the areas of the faces.
- C. All signs shall be maintained in good repair, including display surfaces which shall be kept neatly painted or pasted.
- D. Any person who violates any provision of this Section shall be guilty of an infraction and shall be punishable as provided in Chapter 2 of Article I of this Code."

**Section 7.** Section 9167.3 (Prohibited Signs) of Division 7 (Signs) of Part 6 (General Development Standards) of Chapter I (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

“The following advertising signs shall be prohibited in all zones:

- A. “A” frame or “sandwich board” signs.
- B. Flashing or scintillating signs. (Ord. 80-513, § 3)
- C. Revolving signs.
- D. Devices dispensing bubbles and free-floating particles of matter.
- E. Public Property. Except as may otherwise be provided in Sections 9126.7, 9136.7, and 9146.7, no person shall post or affix any sign on any public property, including but not limited to, the public right-of-way, public buildings, signs posts, and utility poles.
- F. Devices projecting, or otherwise reproducing, the image of an advertising sign or message or any surface or object.
- G. Signs which project into an existing or future street right-of-way.
- H. Signs, affixed to a building, which project above the height of a building wall or roof fascia.
- I. Vehicles. Vehicles may display signs that are permanently affixed to the vehicle in a manner that is painted directly upon the body of the vehicle, applied as a decal on the body of the vehicle, or placed in a location on the body of the vehicle that was specifically designed by a vehicle manufacturer for the express purpose of containing a sign, such that they are an integral part of, or fixture of a motor vehicle for permanent decoration, identification, or display and that do not extend beyond the overall length, width, or height of the vehicle.”

**Section 8.** Section 9167.8 of Division 7 (Signs) of Part 6 (General Development Standards) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby repealed and replaced with the following:

- “A. The Director may summarily and without prior notice remove any unauthorized sign in the public right-of-way that is placed in violation of any of the provisions of the Carson Municipal Code. Provided that the owner of the sign appears on the face of the sign, the Director may mail written notice within 48 hours after such removal to the sign’s owner or agent.
- B. The Director shall release any sign removed pursuant to this section to the owner thereof upon payment of per-sign fee, as determined by City Council resolution, for

the removal and keeping of the sign. If the sign is not claimed within 7 days after removal of the sign, the Director shall order the destruction of the sign.”

**Section 9.** Section 9167.9 (Mobile vending trucks and sidewalk vendors) of Division 7 (Signs) of Part 6 (General Development Standards) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) is added as follows:

**“9167.9 Mobile vending trucks and sidewalk vendors.**

- A. Mobile vending trucks and sidewalk vendors shall not place signs in the public right of way.
- B. Mobile vending trucks and sidewalk vendors parked on private property may place temporary signs on the property in accordance with the sign regulations for residential, commercial, and industrial properties.
- C. Mobile vending trucks and sidewalk vendors may display advertising signs that are permanently affixed in a manner that is painted directly upon the body of the vehicle, applied as a decal on the body of the vehicle, or placed in a location on the body of the vehicle that was specifically designed by a vehicle manufacturer for the express purpose of containing an advertising sign, such that they are an integral part of, or fixture of a motor vehicle for permanent decoration, identification, or display and that do not extend beyond the overall length, width, or height of the vehicle.”

**Section 10.** Section 9172.29 of Division 2 (Procedures by Type) of Part 7 (Procedures) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby added as follows:

**“9172.29- Request for Exception from Temporary Sign Restriction in the Public Right of Way.**

- A. Initiation. Consideration shall be initiated upon the filing of an application for exception from Section 9173.6(A) by the owner of the business or his/her authorized representative in accordance with CMC 9173.1.
- B. Approval Authority. The Director of Community Development shall have the authority to approve such an exception.
- C. Approving Authority Findings and Decision.
  1. The Director will approve the exception, if s/he is able to make affirmative findings based on the following criteria:
    - a. The business requesting an exemption from CMC 9173.6(A) is of a transitory or temporary nature, and
    - b. The goods or services of the business themselves cannot practically be viewed and/or sold out of a fixed business location, or at the location of the business itself.

2. The Director must communicate the decision of his/her findings in writing, within 30 calendar days of receipt of the application.

D. Effective Date and Appeal.

1. An appeal from a decision of the Director shall be considered by the Commission, and an appeal from a decision of the Commission shall be considered by the Council as provided in CMC 9173.4.
2. The decision of the Director or Commission, as the case may be, shall become effective and final fifteen (15) days after the date of the decision unless an appeal is filed in accordance with CMC 9173.4.
3. The decision of the Council is final, and is subject to the provisions of Sections 1094.5 and 1094.6 of the Code of Civil Procedure."

**Section 11.** Section 9191.585.1 (Signs, open house) of Part 9 (Definitions) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby deleted.

**Section 12.** Section 9191.590 (Signs, real estate advertising) of Part 9 (Definitions) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code is hereby deleted.

**Section 13.** Sections 9191.557 (Sidewalk Vendor), 9191.559 (Sign, A-frame), 9191.607 (Signpost), and 9191.607.1 (Signpost, colonial) are added to Part 9 (Definitions) of Chapter 1 (Zoning) of Title IX (Planning and Zoning) of the Carson Municipal Code

**"9191.557 Sidewalk Vendor.** Shall have the same meaning as that provided in Section 51036 of the Government Code, as may be amended from time to time."

**"9191.559 Sign, A-frame.** A sign having a support structure shaped like an A. A-frame signs typically have sign faces on both sides of the frame."

**"9191.607 Signpost.** Shall mean a post affixed to the ground bearing a sign."

**"9191.607.1 Signpost, colonial.** Shall mean a signpost in an inverted L-shape with one or more hanging sign faces, most commonly used on properties for sale."

**Section 14.** If any provision(s) of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that they would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

**Section 15.** The City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted and codified in the manner required by law.

**Section 16.** This ordinance shall be effective thirty (30) days following its adoption.

**PASSED, APPROVED and ADOPTED** this \_\_\_\_th day of \_\_\_\_\_, 2019.

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Mayor Albert Robles

ATTEST:

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City Clerk Donesia Gause-Aldana

APPROVED AS TO FORM:

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City Attorney