

September 21, 2005

**Honorable Mayor and Members of the  
Hermosa Beach City Council**

**Regular Meeting of  
September 27, 2005**

SUBJECT: TEXT AMENDMENT AMENDING SECTION 17.50.080 REGARDING  
PROHIBITED SIGNS

INITIATED BY THE CITY ATTORNEY

**Recommendation:**

Approve the attached ordinance.

**Background:**

In March, 2005, based on the direction of the City Attorney, the Planning Commission recommended adoption of a substitution clause in the sign ordinance. On April 26, 2005, the City Council approved amending Section 17.50.010, to add the substitution clause which allows the substitution of non-commercial sign copy on commercial signs. The code change was recommended by the City Attorney to ensure that the sign code was consistent with case law regarding freedom of speech under the First Amendment to the Constitution.

**Analysis:**

As directed by City Council, the City Attorney has prepared an amendment to the sign code including a definition and prohibition for lewd, discriminatory or obscene signs. The current ordinance does not regulate such signage and the prior amendment allowing substitution for non-commercial sign copy on commercial signs would have allowed unrestricted copy without regard to the proposed standards.

Section 17.50.080.A – Prohibited Signs- is proposed to be amended as follows:

“6. Lewd, obscene or offensive signs containing statements, words, pictures or graphic representations of an obscene or indecent character that are offensive to the public morals and do not have serious literary, artistic, or scientific value.

“7. Signs that display a message or graphic representation that discriminates against persons based on race, gender, age, national origin, or any other characteristic protected by federal or State laws.

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Sol Blumenfeld, Director  
Community Development Department

Concur:

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Stephen R. Burrell  
City Manager

**Attachments:**

1) Proposed Ordinance

P:/TASignSubstitutionAmend

AN ORDINANCE OF THE CITY OF HERMOSA BEACH  
AMENDING THE HERMOSA BEACH MUNICIPAL CODE BY  
ADDING SECTIONS 17.50.080.A.6 AND 17.50.080.A.7  
REGARDING PROHIBITED SIGNS

The City Council of the City of Hermosa Beach does hereby ordain as follows:

Section 1. Title 17, Chapter 17.50 of the Hermosa Beach Municipal Code is hereby amended by adding thereto new subsections 6 and 7 to Section 17.50.080.A. to read as follows:

“6. Lewd, obscene or offensive signs containing statements, words, pictures or graphic representations of an obscene or indecent character that are offensive to the public morals and do not have serious literary, artistic, or scientific value.

7. Signs that display a message or graphic representation that discriminates against persons based on race, gender, age, national origin, or any other characteristic protected by federal or State laws.”

Section 3. If any section, subsection, sentence, clause, portion, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision will not affect the validity of the remaining sections, subsections, sentences, clauses, portions, or phrases of this Ordinance. The City Council declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, portion, or phrase without regard to whether any other section, subsection, sentence, clause, portion, or phrase of the Ordinance would be subsequently declared invalid or unconstitutional.

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2005

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk