



**AGUA CALIENTE BAND OF CAHUILLA INDIANS
TRIBAL COUNCIL**

**JEFF L. GRUBBE CHAIRMAN • LARRY N. OLINGER VICE CHAIRMAN • VINCENT GONZALES III SECRETARY/TREASURER
ANTHONY J. ANDREAS III MEMBER • REID D. MILANOVICH MEMBER**

**ORDINANCE NO. 13
Amendment No. 12**

**TRIBAL ORDINANCE CONTROLLING OUTDOOR
ADVERTISING DISPLAYS**

I. INTRODUCTION

1. **TITLE.** This Ordinance shall be titled and quoted as the "Tribal Ordinance Controlling Outdoor Advertising Displays," commonly referred to as an off-site billboard.
2. **PURPOSE.** It is the purpose and intent of this Ordinance to establish standards and regulations controlling the design, location, maintenance, and removal of outdoor advertising displays on trust lands of the Agua Caliente Indian Reservation located within unincorporated areas of Riverside County and the cities of Cathedral City and Rancho Mirage and certain lands within the City of Palm Springs, specifically known as:
 - A. The west and east sides of the public right-of-way of Gene Autry Trail, starting at one-quarter mile north of the intersection of Gene Autry Trail and Vista Chino, continuing north to the boundary of Section 6, Township 4 South, Range 5 East, San Bernardino Base and Meridian.
 - B. The north side of Vista Chino, starting one-quarter mile east of the intersection of Vista Chino and Gene Autry Trail, continuing east to the boundary of Section 6, Township 4 South, Range 5 East, San Bernardino Base and Meridian.
 - C. The north and south side of Dinah Shore Drive, starting one-quarter mile east of the intersection of Mesquite Ave and Gene Autry Trail, continuing east 4500' to a point defined as 1165' north from the southern boundary of Section 20, Township 4 South, Range 5 East, San Bernardino Base and Meridian.
 - D. The easterly side of State Route 111 between the intersection of Interstate 10 and State Route 111 to approximately 1080' southeast of the intersection of SR 111 and Snow Creek Road, and on the south side of Interstate 10 from the intersection of

Interstate 10 and State Route 111 easterly approximately 5,950', in Section 9 and 10 and Section 16 and 15, respectively of Township 3 South, Range 3 East, San Bernardino Base and Meridian.

3. **TERM.** Outdoor advertising displays are determined to be temporary interim uses of trust properties. Displays may be established until such time that the trust properties on which they exist are ultimately developed with viable, long-term development on a majority of the parcel. In the event that the display(s) continue to exist on trust lands which have viable development established, the display(s) will be determined to be illegal nonconforming and be subject to removal under the provisions of Section VI.1. herein.
4. **DEFINITIONS.** For the purpose of this Ordinance, the following words or phrases shall have the following definitions:
 - A. "Tribal Council" means the Tribal Council of the Agua Caliente Band of Cahuilla Indians.
 - B. "Outdoor advertising display," commonly referred to as an "off-site billboard," means advertising structures and signs used for outdoor advertising purposes, not including on-site advertising structures and signs as defined in this Section.
 - C. "Outdoor advertising structure" means a structure of any kind of character erected or maintained for outdoor advertising purposes. Such structure must be constructed or erected, and its use must require a permanent location or attachment to something having a permanent location on the ground.
 - D. "On-site advertising structures and signs" means structures and signs that are erected or maintained to advertise goods sold, business conducted or services rendered on the parcel of land upon which the sign is located.
 - E. "Abandoned" means any outdoor advertising display that is allowed to continue for more than one year without a poster, bill, printing, painting, or other form of advertisement or message.
 - F. "Highway" means roads, streets, boulevards, lanes, courts, places, commons, trails, ways or other rights-of-way or easements used for or laid out and intended for the public passage of vehicles or of vehicles and persons.

- G. "Viable development" means long-term improvement of property which establishes or leads to highest and best use over a majority of the property (fifty-one (51) percent or more). It shall not mean improvement or projects determined to be temporary or seasonal uses as defined by the regulatory jurisdiction in which the trust parcel is located, such as produce stands, festivals, pumpkin patches, Christmas tree stands, temporary sales offices, exhibits, flea markets, or other such uses as determined by the Indian Planning Commission.
- H. "Temporary extensions" means creative, artistic elements of the display which exceed the maximum allowed display face area for a limited duration and does not exceed twelve (12) continuous months in one location.
- I. "Tri-vision sign" means a changeable message billboard with vertical louvers for graphic applications.
- J. "Digital display sign" means an outdoor advertising display using Light Emitting Diodes (L.E.D.) or similar technology to display static images controlled by electronic communications.

II. OUTDOOR ADVERTISING DISPLAYS

1. **STANDARDS.** No person shall erect or maintain an outdoor advertising display on trust lands of the Agua Caliente Indian Reservation located within unincorporated areas of Riverside County and the cities of Cathedral City, Rancho Mirage and those lands described in Section I.2.A.-D. of the City of Palm Springs except in accordance with the following provisions:
 - A. Location. Site-specific location shall be reviewed and approved by the Tribal Council in accordance with criteria, procedures, etc. to be established by the Tribal Council. Outdoor advertising displays may only be erected on nonresidential zoned land and may not be erected within five hundred (500) feet of an existing residential development.
 - B. Spacing. In establishing the distance between the signs the Tribal Council considers the proximity of other signs in the area, the topography and physical features of the land. In any case, the following minimum standards apply: no outdoor advertising display shall be within one thousand

(1000) feet in any direction from any other off-site sign on the same side of the Interstate Route 10. On all other highways the minimum distance shall be five hundred (500) feet measured between displays on the same side of the street. In no case shall a display be within two hundred (200) feet of another display measured in any direction.

- C. Height. The maximum height of any outdoor advertising display along Interstate Route 10 shall not exceed a height of thirty-five (35) feet from the roadbed of the adjacent highway, or maximum height of thirty-five (35) feet from the grade on which it is constructed, whichever is greater. The maximum height along all other highways shall not exceed twenty-five (25) feet measured in accordance with the criteria noted above.
- D. Poles. A maximum of two steel poles are allowed for support of an outdoor advertising display.
- E. Roof Mounts. No outdoor advertising display shall be affixed on or over the roof of any building, and no display shall be affixed to the wall of a building so that it projects above the parapet of the building.
- F. Setbacks. No outdoor advertising display shall be erected within an established setback or building line, or within road right-of-way lines or future road right-of-way lines as shown on any specific plan of highways. A minimum setback from the property line of one foot shall be required.
- G. Number of Display Faces. No more than two display faces per outdoor advertising display shall be permitted. Display faces may contain multiple advertisements. Back-to-back, and V-type displays shall be allowed provided that they are on the same outdoor advertising structure and provided that the V-type displays have a separation between display faces of not more than twenty-five (25) feet.
- H. Lighting and Illumination of Displays. An outdoor advertising display may be illuminated unless otherwise specified, provided that the displays are so constructed that no source or illumination is visible beyond the display face. Displays making use of lights to convey the effect of movement or flashing, intermittent or variable intensity shall not be permitted.

Digital Display Signs Conditionally Allowed. Digital display signs are permitted solely at the discretion of the Tribal Council based on traffic, safety, and aesthetic concerns, providing they meet all provisions of this Ordinance. Each message displayed must be static and depicted for a minimum duration of six (6) seconds. Transition time between messages shall be no longer than two (2) seconds. Brightness of the display must adjust automatically so that the images are not unreasonably bright during periods of reduced ambient light levels. Lighting levels shall not be more than 0.3 foot candles over ambient light levels as measured using a foot candle meter at the following preset distances: 200' for 10'6"x36' displays and 250' for 14'x48' displays. Animated images, images that give the appearance of movement, or changes in illumination intensity during the static display period are prohibited. The minimum distance shall be one thousand (1,000) feet measured between Digital Display Signs on the same side of the street.

- I. Display Movement. No outdoor advertising displays shall move or rotate, or display any moving and/or rotating parts. No propellers, flags, or other noise-creating devices, and no architectural embellishments which utilize mechanical or natural forces for motion, shall be permitted. Use of daylight reflective materials or electronic message boards are prohibited.

Tri-Vision Signs Conditionally Allowed. "Tri-vision" signs are permitted, solely at the discretion of the Tribal Council based on traffic and safety concerns, providing they meet all provisions of this Ordinance. They shall be located at four-way stop or controlled, signalized intersections. The dwell time for each display must remain stationary for a period of ten (10) seconds. Turn time from one display to the next shall be within two (2) seconds.

- J. Display Face Size. No outdoor advertising display along Interstate Route 10 shall have a total surface area of more than seven hundred (700) square feet per face. The maximum area along with other highways shall not exceed three hundred eighty (380) square feet per face.
- K. Prohibited Display Content. The following types of outdoor advertising are prohibited:

- 1) Any statements or words of obscene or immoral character, or any picture or illustration of any human figure in such detail as to offend public morals or decency, or any other matter or thing of an obscene, indecent or immoral character.
- 2) Signs that advertise illegal activities, contain untruthful copy, are improperly mounted or erected or are erected in a manner to represent a traffic hazard.
- 3) Signs that advertise and/or promote the use or consumption of tobacco, electronic cigarettes, alcohol, or products related to tobacco, electronic cigarettes, or alcohol.

L. Identification. No person shall place, erect or maintain an advertising display, and no display shall be placed, erected or maintained anywhere within the reservation unless there is securely fastened thereto and on the front face thereof the name of the sign company in such a manner that the name is visible from the highway. Any display placed, erected or maintained without this identification shall be deemed to be placed, erected and maintained in violation of this Section.

M. Temporary Extension Allowed. Temporary display extensions are permitted which are used to creatively display advertisement. Such extensions may not exceed the permitted permanent display face as allowed in Section II.1.J. Such extensions may not extend five feet beyond the top of the permanent display face and two feet beyond the sides or bottom of the permanent display face. Temporary display extensions are allowed at the sole discretion and determination of the Tribal Council as recommended by the Indian Planning Commission.

Simple rectilinear extensions of text are not permitted. The exposed surface of any display extension including rear and sides not used as a part of the display advertisement copy and/or media shall be painted a flat finish blue-gray color equivalent of "Pantone" 421c, 422c, 642c, 649c, or 656c.

2. MASTER PLANNED DISPLAY PROGRAMS

- A. The Tribal Council may approve a permit for two or more displays by one action in a single area where it is determined to be appropriate. Said Master Planned Display program is to minimize review and approval actions and accommodate special circumstances involving the physical site and/or ownership of property, it is not intended for deviation from the display standards.
- B. Individual displays approved, within a Master Planned Display Program, may not be altered without an amendment to the Master Planned Display Program of which it is a part.

III. APPROVALS

- 1. No outdoor advertising display shall be placed or erected until:
 - A. Approval has first been obtained from the Tribal Council with respect to site specific location and compliance with the standards outlined in Section II. By resolution, the Tribal Council shall prescribe the procedures for applying for such approval, and adopt all required fees to implement this Ordinance; and
 - B. An appropriate permit or lease has been obtained from the Bureau of Indian Affairs, Palm Springs Field Office.

IV. NON-CONFORMING DISPLAYS

- 1. Notwithstanding provisions of this Ordinance to the contrary, all outdoor advertising displays existing as of the effective date of this Ordinance shall be deemed to be legal nonconforming displays. Such displays shall remain in place without further alterations or relocation and shall be maintained in like-new condition until such time as the parcel on which such display is located is developed to its highest and best use. At that time the display shall be removed.
- 2. All outdoor advertising displays that are hereafter installed or maintained contrary to the provisions of this Ordinance, or that have been abandoned, shall be deemed to be an illegal non-conforming display.

V. VARIANCE

- 1. Variances from the terms of this Ordinance shall be granted only when, due to special circumstances

applicable to the property, including topography, location or surrounding, the strict application of this Ordinance deprives the applicant/owner/allottee of privileges enjoyed by others within one thousand (1,000) feet.

2. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other displays in the vicinity and jurisdiction in which such display is situated.

VI. COMPLIANCE

1. Wherever the Tribal Council or their designated agents have cause to suspect a violation of this Ordinance, or whenever necessary to investigate either an application for the granting, modification, or any action to suspend or revoke an outdoor advertising display permit, or whenever necessary to investigate a possible violation, said agents may lawfully gain access to the appropriate parcel of land upon which said violation is believed to exist.

Any outdoor advertising display which has been found to be an illegal nonconforming display or any outdoor advertising permit which has been issued as a result of a material misrepresentation of fact by the applicant or his or her agent may summarily be revoked. Within thirty (30) days after written notice has been given by the Tribal Council to the applicant/permittee, the subject outdoor advertising display shall be removed at the applicant or permittee's expense.

2. **DISPLAY VIOLATION FINES.** Outdoor advertising displays which are found to be in violation of any aspect of this Ordinance shall be subject to a fine in the amount of one hundred dollars (\$100.00) per day each day violation persists. Fines shall be charged against the applicant of record at the time of violation. Failure to pay any fines within thirty (30) calendar days and failure to correct the violation within thirty (30) calendar days of receiving notice of fine will cause the display to be illegal nonconforming.
3. By submitting an application to the Tribal Council under this Ordinance, an applicant certifies that he or she is familiar with the terms of this Ordinance and agrees to be bound by all such terms.
4. Pursuant to 25 CFR Part 162.608, any outdoor advertising display placed on trust land within the unincorporated area of Riverside County and the Cities of Cathedral City, Rancho Mirage and those lands described in Section I.2 of the City of Palm Springs under a lease or permit approved

by the Bureau of Indian Affairs shall become the property of the lessor or permittee unless specifically excepted therefrom under the terms of the lease or permit.

5. Applications permitted in accordance with this Ordinance shall be subject to an annual fee of three hundred dollars (\$300.00). Said fee shall be due and payable by the permittee of record on January 1st of each year. Displays and variances which have not paid the annual fee by February 1st of each year, shall be found to be illegal nonconforming displays and, therefore, subject to revocation under the terms of Section VI.1.
6. The Tribal Council shall reserve the right to approve fee waivers for applications made by a Tribal entity including but not limited to: Spa Resort Casino, Agua Caliente Casino · Resort · Spa, and Indian Canyons Golf Resort.

VII. EFFECTIVE DATE

This Ordinance shall take effect upon publication in a local Riverside County newspaper.

Not Present

Jeff L. Grubbe, Chairman

Larry N. Olinger
Larry N. Olinger, Acting Chairman

Not Present

Vincent Gonzales III, Secretary/Treasurer

Anthony J. Andreas III
Anthony Andreas III, Acting Secretary

Reid D. Milanovich
Reid D. Milanovich, Member

I, the undersigned, the Acting Secretary of the Agua Caliente Band of Cahuilla Indians, hereby certify that the Tribal Council is composed of five members of whom 3, constituting a quorum, were present at a meeting whereof, duly called, noticed, convened and held on this 8th day of December 2015; that the foregoing ordinance was duly adopted at such meeting by the affirmative vote of 2-0-0 and that said ordinance has not been rescinded or amended in any way.

Anthony J. Andreas III
Anthony Andreas III, Acting Secretary