



# POWERLINE

News of the California Sign Association & Sign Users Council of California • September 2009

## Preparing for the Year Ahead

By Brad Walker, Executive Director

CSA gets a three-month head start on every new year because the association's fiscal year starts October 1 and ends September 30. As such, in a few weeks, your association will begin its 2009-10 year under the leadership of Steve Jones (YESCO) and a handful of new Board members.

As we work to determine projects and programs we want to produce and work on during the upcoming year, we are going to be periodically surveying the entire CSA membership via email. These will be brief surveys dealing with specific topic areas that members can respond to in a matter of a minute or so. The survey results will greatly assist us in determining what our members want from CSA. With that said, please be on the lookout for these surveys and,

more importantly, please take the time to respond to them. The information we receive will be invaluable to us.

Along those same lines, we want to hear from our rank and file members AND our prospective members. We want to know what we can do to make your membership even more valuable to you. Let us know what you like about CSA as well as what you would like to see changed. For prospective members, let us know what kinds of programs and services you would like to receive from CSA that would make you sign the application and check making you a member.

Let me give you some ideas without getting into too much depth. What kinds of education and training programs would you like to see CSA



offer, both management and technical? Are there affinity programs you believe CSA should offer members (i.e., programs and services designed to save money such as insurance, credit card processing, etc.)? Is there more in the government relations arena that CSA should be working on? What types of speakers would you like to see at the CSA dinner meetings? Should we hold more dinner meetings? Fewer? Should the meetings be lunches instead of dinners? You get my drift here—we want to hear what you, the member, wants from YOUR association.

### ■ RECAP Fishing Trip

By Gary Quiel, CSA Fishing Committee Chairman

Our 7th annual fishing trip took place on July 18 aboard the Clemente out of Dana Point, California. With 32 people aboard we left the dock at 5:20am and headed for Catalina Island.

We began fishing the east side of the island at 9:00am and moved to other locations throughout the day. At each stop we were catching a variety of bass, barracuda, mackerel, bonito and one halibut. At 2:00pm it was time to head back and the weigh-in began for the jackpot fish. It appeared it would be between the barracudas as I was surprised when my barracuda tipped the scale in my favor and assumed it was a done deal.

It was then that someone said, "What about the halibut?" I then went to my daughter's bag and pulled out her halibut. My daughter's fish outweighed mine and she won \$160. We arrived back to Dana Point at 6:00pm.

For those of you who have never attended the fishing trip perhaps because you have never fished the ocean, or you have been out before and the crew and captain were not helpful, I want to say this is the 7th time I have chartered the Clemente due to the fact the crew and captain are very polite and helpful with all aspects of the trip. We've had adults, including children that have never fished the ocean before, and I always enjoy seeing the deckhands working with them and seeing them catch fish.

I am sure anybody who attends will have a great time on this trip and hope to see you next year.



## Stay Tuned!

IN OUR NEXT ISSUE OF POWERLINE...

Highlights from the 50th Anniversary Convention & Annual Meeting in Berkeley!

### ■ CONTENTS In This Issue

The President's Column .....	2
Did You Know? .....	3
Sinage Matters.....	4
Government Affairs Report .....	5
Consider This.....	6
State Fund .....	8

# The President's Column

By Skip Moore, CSA President

It doesn't seem that long ago that I greeted the readers of the *Powerline* in my first column as President of the California Sign Association. It's difficult to believe that it's already been a year. In realizing that it's time for me to relinquish the controls to Steve Jones, I feel a sense of relief and optimism.

When I took the keys to the vehicle that is CSA from outgoing President Ray Smith in Anaheim last September, it seemed that the road was paved and unobstructed, the support was in place and the weather was clear. As many of you know, this was my second term serving as President of CSA. When I finished my first term back in 2001, I had learned of the duties and obligations of the position, so this time around I felt much more comfortable in inheriting the role as President once again. We hit the ground running as we set about the routine but important business at hand.

It's always such a pleasure working with professionals that share my dedication for CSA and my beliefs in its purpose. Our Executive Director, Brad Walker, took out the map and helped me steer our course, while CSA staff, Stephanie Setzer and Lynn Wells, made sure the engine was running smoothly. Committee chairs dove into their responsibilities with enthusiasm and commitment. People like Deborah Cook and Tim Barrett (Professionalism) undertook a thorough review of CSA's By-laws. Jeff Tanielian (Education) established the curriculum for the year. Ray Smith and Rob Riley (Membership) set about getting the necessary tools for Brad to successfully solicit new members and plan the year's Membership meetings and activities. Bob Shimmin and Deborah Cook (Communications) prepared to take CSA's *Powerline* to a new level while further developing the electronic medium available to the members.

Mark Gastineau, Rocky Gruner and Jeff Aran (Government Affairs) monitored and addressed local and state regulations and agencies. Roy Flahive and Gary Quiel (Technical) presented a strategy by which California cities would adopt CSA sponsored standardized engineering. Todd Hummer and Patty Zagata (Ways and Means) unveiled fund raising opportunities. As we set on our way, the activity was impressive.

As we rounded the bend in January, I must've missed the sign that read "Roadwork Ahead: Detour", because just a week before CSA's Board Meeting in San Diego we learned that the City of Los Angeles had proposed a new sign ordinance. At that meeting, I appointed Gus Navarro as chair of the Los Angeles Sign Ordinance Task Force (LATF) which would eventually gather 20 active participants and employ the services of Arnie Berghoff & Associates, a high profile Los Angeles lobbying firm. As it would turn out, putting CSA's resources to work to thwart the onerous process and provisions would preoccupy my agenda for the remainder of the year. To me, this development exemplifies what CSA is all about. By the time you read this, the City Council will have reopened their hearings on the ordinance and through CSA efforts we have confidence enough that the on-premise section of the ordinance will be tabled.

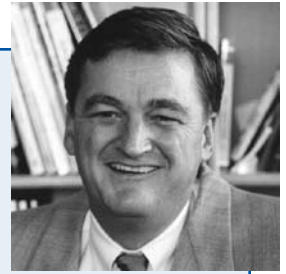
Then in April, while the CSA Board met at the ISA Sign Expo in Las Vegas, we were confronted with our second large challenge. We learned that yet another high-rise sign structure had collapsed, falling on a car, mortally injuring one person and critically injuring another. The increasing incidence of these catastrophic sign failures, a couple having occurred in California, jeopardizes the image of the industry as seen by sign users and the public.

The Technical Committee immediately set about joining ISA's Task Force in addressing the cause and solution of these failures, with CSA making a significant cash contribution toward that end.

Around this time, we had a couple of Membership meetings with representatives of the Contractors' State License Board (CSLB). Their presentations made it painfully clear that the sign contractor license enforcement segment of their diligence had fallen off their radar. However, this revelation ultimately opened the door to a meeting with CSA's Brad Walker and Jeff Aran and CSLB's staff leadership, including the Registrar of Contractors, Chief Deputy of Contractors, Chief of Licensing and CSLB's Enforcement Manager. CSA has made tremendous headway in this area (see June 2009 *Powerline*, page 2, "Meeting with the CSLB Leadership").

Further, CSA has welcomed 20 new members to our association this year, Assembly Bill 109 that would have banned new digital billboards from California highways was defeated and CSA's dues paying structure was streamlined. We also had fun: CSA members went to the Museum of Neon Art, we went golfing, we went whitewater rafting, we played poker on a riverboat and we went fishing.

September will find us gathering at The Claremont Resort & Spa in Berkeley where I will move to the back seat of the CSA bus and let incoming President Steve Jones take the wheel. Then we'll all gather in the ballroom to acknowledge this eventful year and, more importantly, the first 50 years of the California Sign Association. I look forward to seeing each of you there. It's been an eventful year in the tradition of 50 eventful years of CSA.



# Did You Know?

## Not Just for Electric Sign Contractors

*ALL contractors are required to display license information on vehicles*

Since 1972 California has required electric sign contractors, plumbers and well-drillers to post their "name, permanent business address, and contractor's license number, all in letters and numerals not less than 1.5 inches high." [B&P Code Sec. 7029.5] In addition, all other contractors are required to display their "business name and contractors' license number in a clearly visible location in print type of at least 72-point font or three-quarters of an inch in height and width." [B&P Code Sec. 7029.6]

**7029.5.** Every plumbing contractor, electrical sign contractor, and well-drilling contractor licensed under this chapter shall have displayed on each side of each motor vehicle used in his or her business, for which a commercial vehicle registration fee has been paid pursuant to Article 3 (commencing with Section 9400) of Chapter 6 of Division 3 of the Vehicle Code, his or her name, permanent business address, and contractor's license number, all in letters and numerals not less than 1.5 inches high. The identification requirements of this section shall also apply to any drill rig used for the drilling of water wells. Failure to comply with this section constitutes a cause for disciplinary action.

**7029.6.** Except for contractors identified in Section **7029.5**, every contractor licensed under this chapter shall have displayed, in or on each motor vehicle used in his or her construction business, for which a commercial vehicle registration fee has been paid pursuant to Article 3 (commencing with Section 9400) of Chapter 6 of Division 3 of the Vehicle Code, his or her business name and contractor's license number in a clearly visible location in print type of at least 72-point font or three-quarters of an inch in height and width.



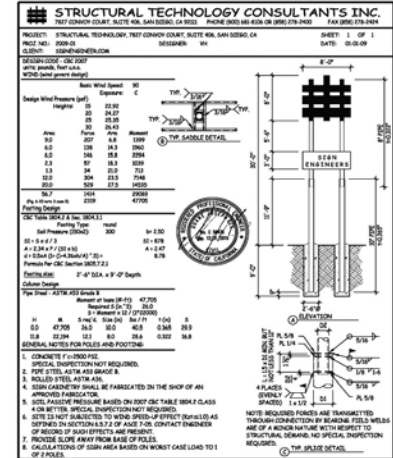
## Structural Technology Consultants Incorporated

7827 Convoy Court, Suite 406

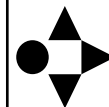
San Diego, CA 92111

800-681-8106 • (F) 858-278-2424

For ALL Your Sign Structure Engineering  
**signengineer.com**



**10% Discount to All CSA Members!**



**AKC Services, Inc.**  
Permit Specialist.

**(866) 99-Permit**  
**www.akcservices.net**  
**info@akcservices.net**

California - Arizona - Nevada

31681 Riverside Drive, Suite B  
Lake Elsinore, CA 92530-7815

588 Sutter Street, Suite 512  
San Francisco, CA 94102-1102

815 North Hayden Road, Suite B203  
Scottsdale, AZ 85257-4405

3540 West Sahara Avenue, Suite 1380  
Las Vegas, NV 89102-5816

## Dude, Where's My Sign?!

by Jeff Aran, Esq., CSA Legal Counsel

Time and again, we hear of cities that refuse to allow a simple face change on grounds that any alteration to an existing sign requires conformance with the current code. The "alteration" can be as minor as a fresh look for an existing tenant or just a new owner of the business. Conformance usually translates into a smaller, monument sign with poor visibility. Many sign companies doing site rebranding find this to be a regular occurrence, particularly with recent bank mergers leading to sign face change-outs.

If you need to keep that pole or other sign, what can you do about it? How do you fight the bureaucracy? Here are four strategies that may be helpful.

**1. Business & Professions Code Section 5499** (a CSA sponsored law) provides that when there are special topographic circumstances which, upon compliance with the ordinance, would result in a material loss of visibility of an on-premise sign, the sign may remain and is deemed conforming as a matter of law. So, for example, in a city banning pole signs, if your customer is required to remove its existing 40' pole sign and install a conforming 8' monument, it will likely suffer a loss of visibility to the motoring public and probably create a traffic hazard, as well as be subject to vandalism and graffiti. Section 5499 would operate to prevent the city from requiring conformance if you can show the topographic circumstances, which include man-made features of the streetscape (i.e., trees, buildings, medians, freeway), prevent the 8' sign from being reasonably seen. We have successfully argued 5499 in many circumstances. It requires a bit of work and you may have to first exhaust the city's administrative review remedies, but it's a fight worth fighting. Section 5499 provides:

**5499.** *Regardless of any other provision of this chapter or other law, no city or county shall require the removal of any on-premises advertising display on the basis of its height or size by requiring conformance with any ordinance or regulation introduced or adopted on or after March 12, 1983, if special topographic circumstances would result in a material impairment of visibility of the display or the owner's or user's ability to adequately and effectively continue to communicate with the public through the use of the display. Under these circumstances, the owner or user may maintain the advertising display at the business premises and at a location necessary for continued public visibility at the height or size at which the display was previously erected and, in doing so, the owner or user is in conformance.*

**2. Lanham Act.** The Lanham is the Federal Trademark protection law. Section 1121(b) provides that no city can require alteration of a federally registered mark. In the signage context, when a city imposes color restrictions or requires conformance upon a change of name, logo or ownership, it can be argued that the city is in effect unlawfully compelling alteration of the registered mark, i.e., the sign. Some cities illogically claim the business can leave up the old message, trademark or name without suffering compliance, but that's an inane argument, of course, because the new name or logo is required. Recently, in Glendale, CA the city contended an existing bank pole sign could remain without having to conform—but only if the old bank name was left in place or the it displayed no message, i.e., a blank face! Arguably, the Lanham Act might apply because in effect the city was dictating that the new bank had to use the old bank's name (an "alteration" of a protected mark). We have successfully argued the Lanham Act over the years and it has been the subject of court decisions. In an Arizona case before the 9th Circuit, Blockbuster's "torn ticket" logo, and, in California, Motel 6's registered colors, were found to be protected. The Lanham Act, 15 USC Sec. 1121(b) provides, in pertinent part:

**(b)** *No State or other jurisdiction of the United States or any political subdivision or any agency thereof may require alteration of a registered mark, or require that additional trademarks, service marks, trade names, or corporate names that may be associated with or incorporated into the registered mark be displayed in the mark in a manner differing from the display of such additional trademarks, service marks, trade names, or corporate names contemplated by the registered mark as exhibited in the certificate of registration issued by the United States Patent and Trademark Office.*

**3. Regulatory protection.** Speaking of banks, federal regulations generally require that the bank name be correctly displayed. State laws also require gas stations to prominently show pricing and fuel info. Some subjects, like real estate for sale, have special protections. These laws are often useful in convincing local officials that conformance with local codes is pre-empted.

**4. Get a Good Sign Lawyer.** While it's not always necessary, hate to say it (well, maybe not), but sometimes just having an attorney in your quiver is useful. More and more, cities and planning staff just don't respond. When you bring in your attorney, particularly one who knows sign ordinances, the city knows you're serious and that often is sufficient to get the right parties to the table to resolve concerns.

Let's hear your ideas for fighting city hall. We'll follow-up in a future issue of *Signage Matters*. Send them to Jeff Aran at [jeff@calsign.org](mailto:jeff@calsign.org).

## ■ GOVERNMENT AFFAIRS REPORT

By Jeff Aran, CSA Government Affairs Director

# 50 Years of Achievement

CSA has a proud history of protecting and fighting for rights of the sign industry and its customers. This past year alone we have worked successfully to enhance the scope of the C-45 license, clarified taxation rules for electronic signs, developed a stronger working relationship with the CSLB enforcement division, as well as continue to work collaboratively on the development of reasonable sign regulations in Los Angeles, San Jose, Sacramento and other cities. We have a lot to be proud of—



### HISTORY OF ACHIEVEMENTS

- In 1987 created and worked for the successful passage of SB 512 that obligated cities and counties to inventory on-premise signs to locate and remove illegal and abandoned signage. The law also protects sign users' rights to get permits in commercial complexes with existing illegal, non-conforming or non-maintained signs.
- Amended Chapter 2.5 of the California Business and Professions Code Sections 5490 through 5499 creating the "Just Compensation Law" for legal non-conforming signs (SB 142 in 1983 and SB 286 in 1986).
- Introduction and passage of AB 2060 which requires that every contractor display his name, address and license number on the door sides of his commercial vehicles.
- Instituted the Bandit Buster Program and worked closely with the Contractors State License Board for enforcement against non-licensed sign contractors.
- Conducted Bandit Buster sting operations with the Contractors State License Board, resulting in arrests, citations and telephone disconnect of unlicensed sign contractors.
- Established guidelines that will assist the League of California Cities in its endeavors to provide any necessary signage information to its members so that more comprehensive and equitable sign regulations can be written and enforced.
- The association is actively engaged in assisting municipalities with their sign ordinance regulations and has written many sign ordinances, which cities have accepted.
- Defeated measures introduced by the Department of Transportation and the Senate that would have eliminated the display of all freeway-oriented signs.
- Rendered vital testimony during hearings conducted by the Federal Energy Commission and the Federal Highway Commission that would otherwise have allowed the Federal Government to sanction and regulate the use and display of all outdoor advertising located adjacent to a federal highway.
- Provided documented evidence to the Public Utilities Commission in order to reduce the priority for energy conservation on electric signs.
- Defeated measures introduced by the California Energy Commission that would have sharply curtailed the use and illumination of all on-premise signs.
- Defeated State Legislative measures sponsored by the City of Agoura Hills that would have removed Ventura Freeway/101 Freeway oriented signs.
- Met with Air Quality management/South Coast District and negotiated liberalized industry paint standards.
- Initiated legal action against City of Fresno for non-compliance of SB 512/Business and Professions Code Signage Enforcement Requirements.
- Introduced "Continuing Education" Crane Safety Seminars to enhance industry safety and meet CAL-OSHA standards.
- Got storm water permit exemption.
- In conjunction with ISA, the University of San Diego School of Business Administration, and the Business Identity Council of America, published The Economic Value of On-Premise Signage, an economic study on the factors contributing to the value on-premise signs bring to a business.
- Developed, published and distributed the association's first strategic plan outlining CSA plans and programs. Measurable goals and objectives in education and training, professionalism, government affairs, membership, and communication are described.
- Worked with the State Board of Equalization to establish a simplified consistent method of assessing sales tax on signs sold in California.
- Monitored and addressed local sign ordinance proposals in numerous California cities.
- Designed, published and distributed materials to explain safety benefits on new UL2161 (secondary ground fault protection) requirements to sign users.
- Working cooperatively with the California Energy Commission to develop technically feasible, affordable revisions to Title 24.
- Working with Caltrans on revised signage regulations.
- Helped to defeat Nevada enforcement effort restricting interstate sales and installation of electric signs.
- Successfully defeated AB 109, which would have potentially prohibited new message center signs.

## Consider this...

### September 5 was Be Late for Something Day

Sponsored by the Procrastinators Club of America as a whimsical way to forget about the strains and stresses of life, we're fairly confident this news comes to you too late to celebrate it, however the editorial staff of *Powerline* did. A few times, if the release dates of this newsletter are any indication. Perhaps, if we look at this another way, we should say, "Congratulations!" Our readers have successfully celebrated by celebrating now. Or later.

For more information about the Procrastinators Club of America, visit their website, [www.geocities.com/procrastinators\\_club\\_of\\_america/](http://www.geocities.com/procrastinators_club_of_america/). It is a little out-of-date.

### Quote of the Month

*I always arrive late at the office, but I make up for it by leaving early.*

~Charles Lamb

## GEMINI DIMENSIONAL LETTERS LOGOS & PLAQUES



Gemini Incorporated  
103 Mensing Way Cannon Falls, MN  
55009  
Visit our Website at  
[www.signletters.com](http://www.signletters.com)

**1-800-LETTERS**

## WATCHFIRE MANUFACTURES LED SIGNS TO HELP YOUR CUSTOMERS INCREASE VISIBILITY & DRIVE GROWTH.

- :: Best looking, most durable signs
- :: Comprehensive dealer support
- :: Quickest quote turn-around
- :: Reliable 4-to-6 week delivery
- :: Made in USA

Close almost any deal with our Watchfire Demo Truck.



Dick Brady :: Northern CA :: 877-209-1888  
Rocky Gruner :: Southern CA :: 877-689-6193  
800-637-2645 :: [watchfiresigns.com](http://watchfiresigns.com)

**watchFire**   
BY TIME-O-MATIC

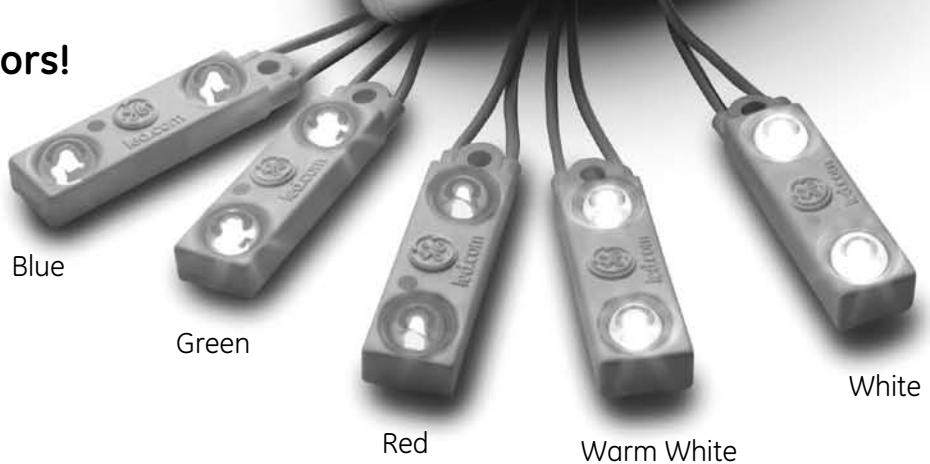
GE  
Lumination

# More Brightness *Less LEDs*

New Tetra® miniMAX is up to **three** times brighter and uses less LEDs per sign\*

Thanks to new OptiLens™, a patent-pending optical breakthrough, channel letters as shallow as 1.5 inches radiate brilliant, more uniform light spread across the entire sign face. It's the technical breakthrough that proves even in tight economic times we help you do more with less. Visit [www.led.com/mm3](http://www.led.com/mm3) to learn more.

Now in 5 colors!



imagination at work

\*Compared to Tetra® Mini.

Tetra and OptiLens are registered trademarks in the U.S. and other countries. ©2009 Lumination LLC.



California Sign Association

P.O. Box 276567  
Sacramento, CA 95827-6567

## STATE FUND Propane Forklift

### Is Your Propane Forklift Causing Headaches...or Worse?

Every year, there are hundreds of accidental deaths in the United States from carbon monoxide poisoning. Some of these deaths occur in the workplace. The Bureau of Labor Statistics reported 21 worker deaths in private industry from carbon monoxide exposure in 2001.

Carbon monoxide (CO) is a colorless, odorless, tasteless, non-irritating gas, so you don't know when you are breathing it. Normally, when we breathe, the hemoglobin in our blood combines with oxygen and transports it throughout our body. When CO is present, it combines 200-250 times more readily with hemoglobin, depriving the body of necessary oxygen.

Symptoms of carbon monoxide poisoning may include headache, fatigue, dizziness, shortness of breath, nausea, vomiting, loss of consciousness, and coma. Because some of these symptoms are common to other illnesses, CO poisoning is often misdiagnosed. Severe poisonings can result in permanent damage to the brain, nerves, and heart or even death. Even at low levels of exposure, where the worker may not experience any symptoms, CO may contribute to heart disease and have adverse effects on the fetus of a pregnant woman.

How much CO is too much? Cal/OSHA has two exposure limits for CO. The average exposure for an 8-hour day cannot exceed 25 parts per million (ppm) and exposures may never exceed 200 ppm. Worker exposures can be measured easily and inexpensively with color diffusion tubes. More sophisticated equipment is also available.

All propane-powered forklift trucks produce some carbon monoxide because of the incomplete combustion of fuel, but

a poorly maintained truck can produce extremely high concentrations of CO. In a poorly ventilated area, dangerous levels of CO can build up even with a well-maintained truck. So what can you do to protect your workers from carbon monoxide poisoning?

To protect workers from CO:

- Use electric forklifts indoors or in enclosed spaces. This is essential in cold storage rooms or other poorly ventilated areas.
- Set up a regular maintenance program for your propane forklift. Various maintenance problems can lead to higher CO emissions.
- Check CO emissions when tuning your engine. Tuning by "sound" and "performance" is likely to result in a rich fuel mixture, which produces higher CO concentrations.
- Install a three-way catalytic converter in conjunction with an air-to-fuel ratio controller. In addition to removing up to 99% of the CO emissions, toxic NOx and hydrocarbons are also removed.
- Allow your engine to warm up outside. A cold engine produces more CO.
- Ensure the work area is adequately ventilated.
- Train your employees to recognize the signs and symptoms of CO poisoning.
- If you suspect someone has CO poisoning, remove the person to fresh air and call 911.

If you need assistance identifying or controlling carbon monoxide exposures in the workplace, your loss control representative can put you in touch with a State Fund industrial hygienist.

Source: State Compensation Insurance Fund, <http://www.scif.com/safety/PropaneForkliftSafety.html>.



"Dad, how old do you have to be to qualify for a government bailout?"

**N. GLANTZ & SON**  
SIGN SUPPLIES  
FOUNDED 1966

**Largest Full-Line  
Distributor of  
Sign Supplies**

**Locations in:  
Orange County, CA  
San Diego, CA  
and other  
locations nationwide**

**Call Today!  
1.866.NGLANTZ  
[www.nglantz.com](http://www.nglantz.com)**

Powerline is a monthly newsletter with a circulation of 2000 published by:  
California Sign Association  
P.O. Box 276567 • Sacramento, CA 95827-6567  
Telephone (916) 932-0021 • [info@calsign.org](mailto:info@calsign.org)  
[www.calsign.org](http://www.calsign.org)