

ORDINANCE No. _____

AN ORDINANCE of the City of Selah, Washington, modifying Chapter 10.38 (“Sign Regulations”) of the Selah Municipal Code.

WHEREAS, the City Council desires to modify Chapter 10.38 (“Sign Regulations”) of the Selah Municipal Code for, among other reasons, to negate and replace those portions of such chapter that constitute unconstitutional content-based restrictions;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, DOES ORDAIN as follows:

Section 1. The substantive terms and provisions of Chapter 10.38 (“Sign Regulations”) of the Selah Municipal Code are hereby amended as shown in this Section 1 via the following editing marks (with a strikethrough editing mark indicating former content that is hereby removed, and with an underline editing mark indicating new content that is hereby added – however, individuals reviewing this Ordinance are advised (A) that the changes are numerous which reduces the utility of the editing marks, (B) that spacing and formatting may be somewhat irregular due to the editing marks, (C) that the published code on the City’s website occasionally utilizes blue underlined typeface so as to enable hyperlinks between various code sections, and (D) that for the sake of disambiguation from the now-proposed changes which are as stated as also underlined all of the underlined hyperlinks that appear on the City’s website have been omitted from the face of this Ordinance):

Chapter 10.38

SIGN REGULATIONS

Sections:

- 10.38.010 [Statement of Purpose-Intent and interpretation.](#)
- 10.38.0320 Definitions.
- 10.38.0430 [Sign permit required.—Development permit required.](#)
- 10.38.0540 Exempt signs.
- 10.38.0650 Prohibited signs.
- ~~10.38.070~~ [Sign maintenance.](#)
- 10.38.0860 Sign standards.
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- 10.38.100080 [Projection over right-of-way.—Signs projecting over right-of-way.](#)
- ~~10.38.110~~ [Abandoned signs/business closure.](#)
- 10.38.090 [Sign illumination.](#)
- 10.38.120100 [Roof signs.](#)
- 10.38.130110 [Wall signs.](#)
- ~~10.38.140~~ [Construction identification signs.](#)
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- 10.38.140 [Carried signs.](#)
- 10.38.160150 [Directional signs.](#)
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- ~~10.38.180~~ [Legal nonconforming signs.](#)
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10.38.180	Multiple building complexes and multiple tenant buildings.
10.38.190	Freeway signs.
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10.38.210	Legal nonconforming signs, maintenance of signs, removal of signs and enforcement of this chapter.
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10.38.0210 _____ Statement of purpose.Intent and interpretation.

~~(a) The purpose of this chapter is to accommodate and promote sign placement consistent with the character and intent of the individual zoning districts; insure proper sign maintenance; elimination of visual clutter; and the promotion of creative and innovative sign design. To accomplish these purposes, the posting, displaying, erecting, use and maintenance of signs within the city of Selah, shall occur in accordance with this chapter.~~

~~(b) The city's enactment and enforcement of this chapter shall not be construed for the benefit of any individual person or group of persons other than the general public. In the event of a conflict between the intent of this section and any other provision of this chapter, this section shall govern insofar as applicable.~~

~~(a) This chapter is intended to protect, promote and enhance the overall aesthetic of the City and also the health, safety, welfare and economic interests of residents, businesses, property owners, workers, consumers, tourists and visitors – each of which constitutes a substantial governmental interest – through a comprehensive system of reasonable, effective, consistent, content-neutral and nondiscriminatory standards, restrictions, and requirements. The overall aesthetic of the City suffers when unsightliness or visual clutter is caused by the existence, location or physical characteristics of a sign or sign structure. The health, safety, welfare and economic interests of residents, businesses, property owners, workers, consumers, tourists and visitors suffer when a sign or sign structure distracts vehicular traffic, is illegible or otherwise confusing, obstructs lines of sight for vehicular traffic, obstructs pedestrian traffic, obstructs lines of sight for pedestrian traffic or creates unsightliness or visual clutter. Commerce, property values and quality of life in the City are each impacted, sometimes positively and sometimes negatively, by signs and sign structures. Confusion, anger and even litigation can arise when individuals or entities place certain signs or sign structures on City-owned property, such as rights-of-way, because other individuals may perceive the City to be endorsing the content, viewpoint or message expressed by, on or within those signs or sign structures. For all of these reasons, establishing and enforcing a comprehensive system in the City for signs and sign structures is reasonable and necessary, and will benefit the City and all individuals and entities by:~~

- ~~(1) _____ Protecting and enhancing aesthetics in the City;~~
- ~~(2) _____ Enhancing vehicular traffic safety in the City;~~

(3) Enhancing pedestrian traffic safety in the City;

(4) Reducing the risks of bodily injury and property damage;

(5) Protecting and enhancing property values in the City;

(6) Promulgating understandable and fair standards, restrictions and requirements; and

(7) Recognizing, upholding and not unreasonably infringing the speech rights of individuals and entities.

(b) This chapter is not intended, and shall not be interpreted or enforced, so as to regulate or restrict any sign or sign structure based on the content, viewpoint or message expressed by, on or within the sign or sign structure. Similarly, this chapter is not intended, and shall not be interpreted or enforced, so as to favor or disfavor commercial speech, noncommercial speech, political speech or nonpolitical speech in comparison to any other type or types of speech. Rather, this chapter is intended, and shall be interpreted and enforced, so as to be content-neutral, viewpoint-neutral, message-neutral and neutral as to commercial speech, noncommercial speech, political speech and nonpolitical speech.

10.38.0320 -Definitions.

For the purpose of this chapter, ~~certain the following~~ abbreviations, terms, phrases, words and ~~their~~ derivatives shall be construed as specified in this section, ~~or in Selah Municipal Code, Title 10, Appendix A, unless the context requires a different meaning. Where terms are not defined in this section or in Selah Municipal Code, Title 10, Appendix A, they shall have the ordinary accepted meaning within the context with which they are used. Where an abbreviation, term, phrase, word and their derivative could be construed to fall under two definitions, the more specific shall prevail. Webster's Ninth New Collegiate Dictionary, 1993, shall be the source for ordinary accepted meanings for words not defined in this section or in Selah Municipal Code, Title 10, Appendix A. Specific examples are included as illustrations but are not intended to restrict a more general definition.~~

(a) "Abandoned sign" means any sign or sign structure that is (i) located on property that ~~has been~~ vacant, ~~and~~ unoccupied or not lawfully used for a consecutive period of ~~more than three months~~ ninety days or longer; or (ii) ~~any sign has not been~~ lawfully used for a consecutive period of ninety days or longer; or (iii) is not an allowed off-premises sign or sign structure and ~~that~~ which pertains to any occupant, business, ~~or~~ event, activity or use different from the ~~unrelated to the present~~ occupant, business, event, ~~or~~ activity or use now existing on the property (irrespective of whether a consecutive period of ninety days or longer has elapsed); or (iv) is substantially broken, inoperable, defective, defaced, faded, peeled, rusted, illegible, incomplete or otherwise deteriorated and is not fully

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repaired and restored within thirty days after the City provides notice of the condition to the owner of the property where such sign or sign structure is located.

(b) “Administrative official” means the ~~M~~mayor of the city of Selah, or the ~~m~~Mayor’s designee, who shall be the administrative official of this chapter.

“Appeal” means a request for a review of any action on an application by the administrative official, or the building official, of any provision of this chapter.

(c) “Banner” means any sign or sign structure that is not a “Flag”, that is constructed of lightweight cloth, fabric, nylon or any other similar material, weighing less than two ounces per square foot, and that is mounted at one or more edges or locations to a staff, pole or, upright, brace, building or other supporting structure or device at one or more edges.

(d) “Billboard” means any large-scale outdoor sign or sign structure that is customarily, but not necessarily, leased for a period of time to one or more customers who wish to display large-scale outdoor advertising content that is often but always unrelated to the occupant, business, event, activity and use existing on the property where such sign or sign structure is located or existing in the immediate area.

“Building official” means the individual so designated per Chapter 11.04.

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(e) “Canopy sign” means the message imbedded within the canopy fabric and is a part of the canopy and is considered a wall sign any sign or sign structure made of any material and irrespective of its structural components that is attached to, affixed to, connected to or otherwise a part of any awning, canopy or other overhang, cover or covering on, above, over or around a door, entrance, window, opening, outdoor congregation area, outdoor service area or fire escape.

(f) “Carried sign” means any sign or sign structure that is hand-held or carried by a person so long as it is hand-held or carried by a person.

(g) “Changing message sign” means any sign or sign structure that does or was originally designed to display different, updated or cycling content on an automatic or semi-automatic basis as a result of electronic or manual control. Examples include, but are not limited to, date displays or time displays or temperature displays shown on a lamp bank of an electronic sign, and reader board displays shown either on a lamp bank of an electronic sign or in fixed letters on a manual reader board sign.

“Construction sign” means any sign used to identify the individuals, architects, engineers, contractors or firms involved with the construction of a project or to show the design of the project or the purpose for which the project is intended.

(h) “Digital sign” means any sign or sign structure that does or was originally designed to display changeable text, graphics, symbols and content by usage of light emitting diodes (LEDs) or other technological means contrasted with a nonilluminated or blank background. Digital signs and sign structures are also known as “Electronic message centers” or “EMCs”.

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(i) “Directional sign” means any sign or sign structure directing pedestrian or vehicular traffic to parking, entrances, exits, service areas, or other on-site locations. Also see Section . Directional signs erected for the intended or apparent purpose of facilitating or controlling the efficient and safe movement of vehicles or pedestrians. See also “Off-premises directional sign” and “On-premises directional sign”.

(j) “Electrical sign” means any sign or sign structure that uses or was originally designed to use electricity, electrical wiring, electrical connections or electrical fixtures or devices.

(k) “Fascia board” means (i) a board or structural component affixed to the outside vertical face of a cornice; or (ii) a board or structural component connecting the top of the siding with the bottom of a soffit; or (iii) a board or structural component nailed or otherwise affixed across the ends of the rafters at the eaves; or (iv) the edge beam of a bridge; or (v) the flat member or band at the surface of a building.

(l) “Fascia sign” means any sign or sign structure that is attached to, affixed to, connected to or otherwise a part of any fascia board of any roof structure and that does not extend, project or otherwise protrude more than twelve inches outward from the nearest edge of the parapet or fascia (including the parapet to which the fascia is attached) of the structure or building, that does not extend outward beyond the horizontal width of the building (including the building’s parapet and fascia), and that for its entire length exists and runs in a parallel direction to the nearest wall or face of the structure or building.

(m) “Flag” means any piece of cloth, fabric, nylon or other similar type of material that is attached to, affixed to, connected to or otherwise a part of a staff, pole, upright, brace, building or other supporting structure or device, and that customarily but not necessarily includes distinctive words, letters, colors, patterns, designs, images, figures, symbols or logos.

(n) “Flashing sign” means any sign or sign structure that is not a “Changing message sign” and that does or was originally designed to (i) change or alter displayed lumens or light intensity in sudden transitory bursts; or (ii) switch on and off in a constant pattern in which more than one-third of the nonconstant light source is off at any one time; or (iii) do one or more similar functions.

(o) “Freestanding sign” means any sign or sign structure that is not a “Banner” or “Flag” and that is supported by one or more ~~staffs, uprights, poles, uprights, or~~ braces or other structures (but not including buildings) that are located on, in, or upon the ground.

(p) “Freeway sign” means any sign or sign structure that has an intended or apparent purpose of being noticed by and gaining the attention of freeway vehicular traffic drivers and passengers.

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(q) “Marque” and “Display case sign” each mean any sign or sign structure that is customarily, but not necessarily, associated with a movie theater, performing arts venue, theatrical playhouse or any other similar type of location or structure. The sign shall be attached to a structure or building either in a flat and parallel orientation to the structure or building or in such other orientation as approved by the “Administrative Official”. The sign shall include an area or functionality that allows for changeable text, graphics, symbols and content without alteration of the physical structure and components of the sign. A Marque or Display case sign shall be considered to be a “Wall sign” and thus shall be subject to SMC 10.38.110, and shall not be considered a “Temporary sign” that is subject to SMC 10.38.130.

(r) “Multiple-building complex” means any group of structures or buildings located on a single property from which two or more retail, office or commercial uses share a portion of the structures or buildings, the property, ingress and egress accesses, parking facilities or a coordinated site plan. For purposes of this chapter, each Multiple-building complex shall be considered a single use.

(s) “Nonconforming sign” means any sign or sign structure that previously conformed or substantially conformed to all then-applicable standards, restrictions and requirements including but not limited to all permitting requirements, but which no longer conforms or substantially conforms to the now-applicable standards, restrictions and requirements.

(t) “Off-premises sign” means any sign or sign structure that has an intended or apparent purpose of displaying advertising content for an occupant, business, event, activity, use, service, good, product, merchandise, point of sale, person or entity on, at or from a location other than on the property where the sign or sign structure is located.

(u) “Off-premises directional sign” means any sign or sign structure that has an intended or apparent purpose of displaying directions to a particular location, structure, building or business that is not located on the property where the sign or sign structure is located.

(v) “On-premises” sign means any sign or sign structure that is incidental to a lawful use existing on the property where such sign or sign structure is located, and that has an intended or apparent purpose of displaying advertising content for an occupant, business, event, activity, use, service, good, product, merchandise, point of sale, person or entity on, at or from the property where the sign or sign structure is located, located on and incidental to a lawful use of the premises for advertising the business transacted, services rendered, goods sold or products produced on the premises or the name of the business, name of the person, firm or corporation occupying the premises. Also see Section 10.38.160, Directional signs.

(w) “Permanent sign” means any sign or sign structure made of any durable, weather-proof or weather-resistant material that has an intended or apparent permanence of use and that does not meet the definition of “Temporary sign” or fall under any other provision of this chapter.

“Political sign” means a sign advertising a political party or a candidate(s) for public elective offices, or a sign urging a particular vote on a public issue decided by ballot.

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(x) “Portable sign” means any freestanding sign or sign structure made of wood, metal, plastic or any other durable material that is not attached to the ground or a structure. Examples include, but are not limited to, sandwich board signs, “Trailer signs” and portable reader-board signs that are placed on private property.

(y) “Projecting sign” means any sign or sign structure that is not a “Canopy sign”, “Fascia sign” or “Wall sign”, that is attached, affixed or connected to a structure or building, and that extends, protrudes or otherwise projects outward from the nearest edge of the structure or building.

“Real estate sign” means any sign pertaining to the sale, lease or rental of land or buildings.

(z) “Roof sign” means any sign or sign structure that is erected or constructed so as to be part of the roof structure or design of any structure or building, that is wholly or partially supported by any structure or building, and that in whole or in part is situated above the roofline to which it is attached.

(aa) “Sign” means words, letters, colors, patterns, designs, images, figures, symbols or logos, either with or without illumination, on any medium including but not limited to such medium’s structural components or attachments, that has an intended or apparent purpose of being noticed by and gaining the attention of persons and that displays advertising content for an occupant, business, event, activity, use, service, good, product, merchandise, point of sale, person or entity. Examples of such attachments include, but are not limited to, balloons, streamers, pennants, flags, inflatables and other devices or items, any medium, including its structural component parts, which is used or intended to attract attention to the subject matter that identifies, advertises and/or promotes an activity, product, service, place, business, or any other thing.

(bb) “Sign area” means that area contained within a single continuous perimeter, which encloses enclosing the entire sign or “Sign cabinet”, but does not include excluding any support or framing structure that does not convey a message.

(cc) “Sign cabinet” means the module or background containing the advertising message of the sign, but excluding does not include any sign supports, architectural framing, or other decorative features, which that contains no advertising message.

(dd) “Sign height” means the vertical distance measured from the highest portion of the sign to further of the grade immediately below the sign or the upper surface of the nearest street curb, whichever permits the greatest height, to the highest point of the sign.

(ee) “Sign setback” means the horizontal distance measured from the nearest property line or parcel line to the nearest edge of the sign-cabinet.

“Sign structure” means any structure that supports or is capable of supporting a sign. A sign structure may be a single pole and may or may not be an integral part of a building.

(ff) “Street frontage” means the horizontal distance measured along any property line or parcel line length in feet of a property line(s) or parcel line(s) bordering that borders or is adjacent to any public street. For a corner lot, each street-side property line or parcel line shall be a separate Street frontage. The Street frontage for a single use or development on two or more parcels shall be the sum of the individual all frontages.

(gg) “Temporary sign” means any sign or sign structure that has an intended or apparent non-permanence of use, that is made of any nondurable material such as cloth, paper, corrugated board, cardboard, canvas, flexible plastic, thin metal stakes, foam core board, water-soluble paint or any type of chalk, and that is not erected, constructed, placed, attached, affixed or otherwise connected to the ground or any permanent structure or building in any permanent way such as via concrete, nails or screws. Examples include, but are not limited to, posters, placards, stakes, banners, pennants, valances and displays made of cloth, paper, canvas, cardboard or any other light nondurable material. Any sign or sign structure that is in whole or part is made of durable materials shall be a “Permanent sign”.

(hh) “Trailer sign” means any sign or sign structure that is attached to, affixed to, connected to or otherwise located in, on or about any trailer, or that has its own wheels or transport mechanisms that move or were originally designed to move the sign or sign structure between locations. However, this definition does not include any sign or sign structure that is attached to, connected to or otherwise located in, on or about any vehicle that is not a trailer such as passenger cars, trucks or recreational vehicles, and those signs and sign structures are subject to SMC 10.38.140(i).

“Use identification” sign means a sign used to identify and/or contain information pertaining to a school, church, or residential development, or governmental use (i.e., park, public office, etc.) other than a home occupation in a residential zone.

(ii) “Wall sign” means any “On-premises sign” that is attached to, affixed to, connected to or otherwise a part of a wall of any structure or building, or that is painted directly on a wall of any structure or building, or that is erected against and parallel to a wall of any structure or building, or so as to extend, projecting or otherwise protrude outward from the wall of any structure or building. Also see Section 10.38.130, Wall signs.

(jj) “Wayfinding sign” means any “Off-premises sign” that has an intended or apparent purpose of facilitating or controlling the efficient and safe movement of vehicles or pedestrians to local tourist or visitor is for the purpose of facilitating vehicular tourist transit to local tourist destinations as designated and recognized by the City.

(kk) “Welcome sign” and “Gateway sign” means any sign or sign structure at or near the any entry or exit points of the City that introduces, welcomes, advises or thanks tourists or visitors entering or leaving to the City or region. A Welcome Sign or Gateway Sign may incorporate or provide space for advertisements that are incidental to the primary purpose of the sign and sign structure, or that serve to help fund the sign or sign structure, or that stimulate the economy within the City, or that promote tourism and visitation.

(ll) “Window sign” means any wall sign or sign structure that has an intended or apparent purpose of communicating information about an occupant, business, event, activity, use, service, good, product, merchandise, point of sale, person or entity, that is placed on, upon or inside a window, window pane, glass surface or other transparent surface, and that is visible from the exterior of such window, window pane, glass surface or other transparent surface.

10.38.0430 Sign Development permit required.

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(a) No sign or sign structure governed by the provisions of this chapter shall be erected, structurally altered or relocated after [insert effective date] unless, without first receiving a sign “Development Permit” is received in advance from the Administrative Official building official. Any application for a Development Permit shall be reviewed by the City for conformance to the standards, restrictions and requirements of this chapter and all other applicable chapters of the Selah Municipal Code, based on the specific characteristics of sign or sign structure.

(ab) New Signs, New Signs.

(1) Any on-premise signs are accessory uses and shall be subject to the same procedural and review requirements as the principal use or sign structure meeting the standards, restrictions and requirements of this chapter is considered a Class (1) use and thus shall require a Class (1) review and approval. By contrast, any on-premises sign or sign structure not meeting the standards, restrictions and requirements of this chapter shall be subject to SMC 10.38.220 and is not otherwise allowed. Any off-premises sign or sign structure or billboard is not allowed as stated in SMC 10.38.160.

(2c) Changes to Existing Signs. Any new sign subject to the International Building Code shall be required to secure a building permit.

(b) Replacement of an Existing Sign. Structural changes to, or replacement of, any existing sign or sign structure shall require a Class (1) review and approval. However, changes to the text, copy or face of a sign or sign structure that do not significantly alter the material or appearance of the preexisting sign or sign structure do not require a Class (1) review and approval.

review and approval by the building official. (Ord. 1634 § 149, 2004.)

10.38.0540 Exempt signs.

The following signs and sign structures are exempt from the permitting requirements (but not exempt from the other standards, restrictions and requirements) of this chapter:

(a) Any on-premises sign that is not viewable from the nearest public right-of-way. Examples include, but are not limited to, menu boards and interior signs.

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(b) Any on-premises directional sign that meets the other standards, restrictions and requirements of this chapter, including but not limited to all size restrictions.

(c) Any barber poles or gravestone or separate-use structure such as a Goodwill container or election ballot drop box.

(d) Any address numbers or building identification information that is required or allowed by law.

(e) Any temporary sign on private property.

(f) Any signs installed by or for any government or public agency, including but not limited to the City, Yakima County and the state, that pertain in whole or part to vehicular traffic, pedestrian traffic, health, safety or general welfare. Examples include, but are not limited to, the following:

(1) Emergency signs and warning signs.

(2) Traffic signs and Wayfinding signs.

(3) Signs required by law to exist.

(4) Signs showing the location of public facilities.

(g) Any flag that is:

(1) Located on a flagpole in any residential zoning district.

(2) Shares the flagpole with no more than one other flag or item irrespective of the zoning district.

(3) Located on a flagpole that does not exceed the allowable maximum structure height of the zoning district. See SMC Chapter 10.38, Table 38-2.

(4) Located on a flagpole that meets all applicable minimum setback standards for accessory structures. See SMC Chapter 10.38, Table 38-4.

(h) Memorial signs or tablets, names of buildings, dates of erection and similar items and information, which are incorporated into the building materials and façade.

(i) Signs on, in or about a vehicle unless the vehicle is parked or stationed for the intended or apparent purpose of being noticed by and gaining the attention of persons who might be interested in an occupant, business, event, activity, use, service, good, product, merchandise, point of sale, person or entity on the property where the vehicle is parked or stationed or nearby to such property.

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(j) Signs taped or otherwise affixed to, on or upon the inside of a window, window pane, glass surface or other transparent surface in such a manner as to be later easily removed unless any individual sign area exceeds the total allowed under this chapter for a “Window sign” or “Temporary sign”.

(k) Portable signs and freestanding signs that meet the requirements of SMC 10.38.155 and 10.38.110, as well as any other applicable provision of this chapter.

Except when otherwise prohibited, the following signs are exempt from the application, permit and fee requirements of this chapter when the standards of this chapter are met:

- ~~(1) Political signs, located on private property, which, during a campaign, advertise a political party or candidate(s) for public elective office or promote a position on a public issue, provided such signs shall not be posted more than ninety days before the election to which they relate and are removed within fifteen days following the election;~~
- ~~(2) A sign advertising a public charitable or civic event, located on private property, which advertises the charitable or civic event, provided such signs shall not be posted more than thirty days prior to the scheduled date of the event to which they relate and are removed within three days following the event;~~
- ~~(3) Nameplates not to exceed two square feet in area bearing only the name and occupation of the occupant;~~
- ~~(4) Canopy signs when an integral part of the canopy fabric and the canopy complies with International Building Code requirements;~~
- ~~(5) Banners advertising grand openings, special sale events, etc., provided the aggregate size of the banner does not exceed the size limitation for a freestanding sign on the same property. Banners may be displayed a maximum of two consecutive weeks with a maximum display period of eight weeks annually;~~
- ~~(6) Welcome signs or gateway signs that introduce or welcome visitors to the city or region;~~ and
- ~~(7) Wayfinding signs. (Ord. 2077 § 3, 2019; Ord. 1634 § 150, 2004.)~~

10.38.0650 Prohibited signs.

The following signs and sign structures are prohibited:

~~(1a) Any sign or sign structure located on, in or about a vehicle or trailer that is parked or stationed on public property or private property, that is visible from any public right-of-way, and that has an intended or apparent purpose of circumventing or trying to circumvent the provisions of this chapter. However, this provision shall not prohibit signs painted on or magnetically attached to any vehicle or trailer while such vehicle or trailer is in normal operation.~~

~~(b) Any sign or sign structure Signs which purporting to be, are an imitation of, or substantially resemble-ing any official traffic sign or signal due to its color, design, location, illumination or otherwise, or that and could cause confusion with any official sign, or which obstructs the visibility of any official traffic/street sign or signal in any degree or way including but not limited to via glare or illumination.;~~

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~~(2c) Any signs or sign structure attached to any utility poles, street-light and/or traffic-control signal poles, or facility, or attached to any fence or structure or building owned by any government or public agency, or placed on any trees or vegetation or vegetation bed owned by any government or public agency.~~

~~(3d) Swinging Any projecting signs; that swings, rotates or otherwise physically moves.~~

~~(4e) Any signs or sign structure that is in a dilapidated or hazardous in condition. Examples include, but are not limited to, signs and sign structures that i.e. containing peeling paint, major cracks or holes, and/or or loose or dangling materials or otherwise constituting a hazardous condition.~~

~~(5f) Any abandoned sign or sign structures, the message medium, not the sign structure.~~

~~(6g) Any sign or sign structure Signs on a door, entrance, window, opening, outdoor congregation area, outdoor service area doors, windows, or fire escapes that in whole or part restricts free and unimpeded ingress or egress.~~

~~(7) Roof signs, off premise signs and billboards;~~

~~(8h) Any other sign or sign structure not meeting the provisions of this chapter. (Ord. 1634 § 151, 2004.)~~

~~10.38.070 Sign maintenance.~~

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~~(a) General Requirements. Signs shall be maintained in good order and repair at all times so as to not constitute any danger or hazard to public safety, and are free of peeling paint, major cracks, and loose and dangling materials or otherwise constituting a hazardous condition. Signs that are not maintained in good order and repair shall be considered prohibited signs.~~

~~(b) Legal Nonconforming Sign Maintenance and Repair. Nothing in this chapter shall relieve the owner or user of a legal nonconforming sign, or the owner of the property on which the nonconforming sign is located, from the provisions of this chapter regarding safety, maintenance, repair, and/or removal of legal nonconforming signs. Also see Section 10.38.180, Legal nonconforming signs. (Ord. 1634 § 152, 2004.)~~

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~~10.38.0680 Sign standards.~~

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The provisions of this chapter and the requirements in Table 38-1; (“Type of Signs Allowed”) Permitted; Table 38-2; (“Number of Signs Permitted”) Allowed; Table 38-3; (“Maximum Sign Area”)”; and Table 38-4; (“Maximum Sign Height”)” are established for all signs and sign structures in the respective zoning districts as indicated. All signs and sign structures are subject to the review procedures of this title and the standards of this chapter. Signs and sign structures related to a Class (1), Class (2) or Class (3) principal use shall be

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subject to the same procedural, review and approval requirements as the principal use is subject to. ~~(Ord. 1634 § 153, 2004.)~~

Table 38-1. Type and Number of Signs Allowed

SIGN TYPE	ZONING DISTRICTS						
	LDSE	R-1	R-2	R-3	B-1	B-2	M-1
ALLOWED SIGNS							
On-Premises Signs	Nameplate	Permitted as an Accessory Use to an Approved or Existing Use					
	Subdivision Identification/Project Identification ¹						
	Roof	Not Allowed		Class (1) Use			
	Permanent Freestanding ¹	Subdivision/Proj. I.D. Only		On-premises signs meeting the standards of this chapter are considered Class (1) uses requiring Class (1) review. On-premises signs not meeting the standards of this chapter shall follow the procedures of SMC 10.38.170, and are otherwise not permitted.			
	Projecting						
	Freeway	Not Allowed		Not Allowed	Class (3) Use See SMC 10.38.150		
Off-Premises Signs Including Billboards				Not Allowed	Not Allowed		Not Allowed
NUMBER OF SIGNS ALLOWED							
On-Premises Signs	Nameplate	1 per Dwelling or Business					
	Subdivision Identification/Use Identification ¹	1 per Street Frontage			1 per Street Frontage		
	Permanent Freestanding ¹						
	Projecting	Not Allowed					
	Wall Signs	See SMC 10.38.100					
	Roof Signs	See SMC 10.38.090					
	Freeway	Freeway: See SMC 10.38.150					
Off-Premises Signs Including Billboards						Directional: See SMC 10.38.120(B)	
		Not Allowed			Not Allowed (Also See SMC 10.38.130)		
TYPE AND NUMBER OF SIGNS ALLOWED THAT ARE BASED ON OTHER CRITERIA							
Temporary Signs	See SMC 10.38.110						
Carried Signs	See SMC 10.38.115						
Digital Signs	See SMC 10.38.135						
Portable Signs	See SMC 10.38.155						

NOTES:

1. SMC 10.38.140 has freestanding sign provisions for multiple-building complexes and multiple-tenant buildings. Sign provisions for temporary freestanding signs are addressed in SMC 10.38.110. Permanent freestanding signs are limited to subdivision signs in residential areas.

2. Nameplates and subdivision identification signs permitted in the residential districts may be placed on a wall—See Table 38-2.

Table 38-2. Maximum Sign Area

ZONING DISTRICT		Freestanding and Projecting Signs			
		Sign is set back 15 ft. or less from required right-of-way	Sign is set back 15 ft. or more from required right-of-way	WALL SIGNS	FREEWAY SIGNS
Residential Districts					
LDSF, R-1, R-2, and R-3		Nameplates up to 2 sq. ft. and subdivision/project identification up to 32 sq. ft.			NOT PERMITTED
Commercial & Industrial Districts				SIZE OF WALL TO WHICH ATTACHED	WHERE PERMITTED: UP TO 300 SQUARE FEET
B-1	Frontage is less than 300 ft. long	1 sq. ft. of sign area per lineal ft. of frontage up to 100 sq. ft.	1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft.		
	Frontage is more than 300 ft. long	1 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft.	1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft.		
B-2	Frontage is less than 300 ft. long	1 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft.	1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft.		
	Frontage is more than 300 ft. long	1 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft.	1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 250 sq. ft.		
M-1		1 sq. ft. of sign area per lineal ft. of frontage up to 100 sq. ft.	1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft.		
MAXIMUM AREA PER SIGN = 2 TIMES THE MAXIMUM AREA PER SIGN FACE					
MAXIMUM SIGN AREA OF OTHER SIGN TYPES THAT ARE BASED ON OTHER CRITERIA					
Temporary Signs	See SMC 10.38.110				
Carried Signs	See SMC 10.38.115				
Digital Signs	See SMC 10.38.135				
Portable Signs	See SMC 10.38.155				

Table 38-3. Sign Height and Setbacks

SIGN STANDARDS	ZONING DISTRICTS						
	LDSF	R-1	R-2	R-3	B-1	B-2	M-1
MAXIMUM SIGN HEIGHT							
Permanent Freestanding ¹	Sign is set back 15 feet or less from required right-of-way	5 ft.			30 ft.	30 ft.	30 ft.
	Sign is set back more than 15 feet from required right-of-way	10 ft.			30 ft.	30 ft.	30 ft.
Projecting		Not permitted ²			See SMC 10.38.080		
1. Wall					1. Top of wall to which attached (SMC 10.38.100)		
2. Fascia					2. Horizontal and vertical limits of fascia board to which attached (SMC 10.38.105)		
Freeway					Where permitted: 70 ft.		
SETBACKS							
Minimum front yard setbacks	Edge of right-of-way						
Minimum side yard setbacks	Required setback standards for each zoning district (Table 8-3 & 8-4)						
SIGN HEIGHT AND SETBACKS FOR SIGNS TYPES THAT ARE BASED ON OTHER CRITERIA							
Temporary Signs	See SMC 10.38.110						
Carried Signs	See SMC 10.38.115						
Digital Signs	See SMC 10.38.135						
Portable Signs	See SMC 10.38.155						

Notes:

- 1 SMC 10.38.140 has special freestanding sign provisions for multiple-building complexes and multiple-tenant buildings.
- 2 Nameplates and subdivision identification signs permitted in the residential districts may be placed on a wall. (See Table 38-1.)

10.38.0790 ___-General provisions.

□

All signs and sign structures, including but not limited to exempt signs and temporary signs, shall comply with the following provisions:

~~(1a) ___ Sign surfaces subject to weathering shall be made of glass, metal, plastic, vinyl or wood;~~

~~(2) Construction shall satisfy the requirements of the International Building Code building code.~~

(b) Permanent signs and sign structures must be manufactured of durable materials that withstand the effects of water and wind. Paper-faced signs, including but not limited to vinyl-coated paper and adhesive on paper, are not allowed. Canvas or vinyl signs must be durable. Signs or sign structures made of canvas, fabric, vinyl or any similar pliable material that are attached, affixed or otherwise connected to a permanent sign or sign structure must be mounted behind a perimeter frame or trim cap so that the edges of the sign face are not exposed, except that flags that are made of one hundred percent spun polyester are exempt from such requirement.

(c) Except for exempt signs, temporary signs and portable signs, all signs and sign structures shall be attached, affixed or connected to a structure, building or the ground.

(d) All signs and sign structures shall comply with the setback requirements of Table 8-3 and Table 8-4, except that if a side yard or rear yard is a street frontage then the front setback requirement shall be applicable.

(e) In addition to the sign illumination requirements of SMC 10.38.090, lighting directed on, upon or at any sign or sign structure, or that is internal to any sign or sign structure, shall be shaded, screened or directed so that the light's intensity or brightness does not adversely affect or impact any neighboring use, nearby use, neighboring property, nearby property, vehicular traffic or pedestrian traffic.

(f) All signs and sign structures, including but not limited to all framing, supports, braces and guy lines, shall be maintained in a safe and secure manner.

(g) All decorative features and all sign structures, including but not limited to all framing, supports, braces and guy lines, that do not contain text or advertising content shall not exceed, in comparison to the overall sign cabinet, a surface ratio of 1:1.

(h) No sign or sign structure shall be placed in the clear view triangle of any roadway, driveway or curb cut as established in SMC 10.08.030.

(i) The construction of temporary signs and sign structures is limited to the materials described in the definition of "Temporary sign". In addition, all temporary signs and sign

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structures must conform to the standards, requirements and restrictions of this chapter, including but not limited to SMC 10.38.110.

(j) No sign or sign structure shall be placed in, on or above, or in any way affixed, attached or connected to, any City-owned or City-operated property, structure, building or facility including but not limited to utility poles, utility boxes, fences, street signs, traffic signs, sidewalks, rights-of-way, trees, vegetation and vegetation beds. Any sign or sign structure that violates this provision may be removed by the City, will be held by the City at its Public Works Department for a minimum period of five business days, and will then be permanently disposed of by the City if the owner or owners have not previously claimed and retook possession of such sign or sign structure. The owner or owners may be required to pay a fine (for litter, violation of this chapter or otherwise) prior to retaking possession, and may face civil or criminal prosecution stemming from such violation. If the same or substantially similar sign or sign structure is again placed in violation of this subsection, the City will permanently dispose of the sign or sign structure without holding such for any minimum period of time and without providing the owner or owners the opportunity to retake possession.

~~(3) Lighting directed on, or internal to any sign, shall be shaded, screened or directed so the light intensity or brightness shall not adversely affect neighboring property or motor vehicle safety;~~

~~(4) All signs together with their supports, braces, and guys shall be maintained in a safe and secure manner;~~

~~(5) The ratio of the area of the sign support, framing structure, and/or other decorative features which contain no written or advertising copy, to the sign cabinet shall not be greater than a ratio of 1:1;~~

~~(6) A clear view triangle shall be maintained at all street intersections, driveways and curb cuts for vision safety purposes. Also see Selah Municipal Code, Title 8, Section 8.79.020, Vision clearance at corner lots, and Section 8.79.030, Definition of triangle area. (Ord. 1634 § 154, 2004.)~~

10.38.100080 -Signs pProjectioang over right-of-way.

Projecting signs and sign structures, and freestanding signs and sign structures, shall comply with the following provisions:

(a) The highest edge of any sign or sign structure shall not exceed the highest edge of the structure or building to which it is attached by more than one-third.

(b) All signs and sign structures projecting over any public right-of-way shall conform to the following standards and the owner or owners must obtain in advance a "Right-of-Way Use Permit":

<u>Clearance Above Grade</u>	<u>Maximum Projection</u>
<u>Less than 8 feet</u>	<u>Not allowed</u>
<u>8 feet to 9 feet</u>	<u>1 foot</u>

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<u>Clearance Above Grade</u>	<u>Maximum Projection</u>
<u>9 feet to 10 feet</u>	<u>2 feet</u>
<u>Over 10 feet</u>	<u>2/3 the distance from building to curb line or a maximum of 10 feet</u>

(c) No sign or sign structure shall project within two feet of the curb line.

(d) Only one projecting sign and one associated projecting sign structure shall be allowed per tenant space or building frontage.

10.38.090 Sign illumination.

(a) In General. No temporary sign or portable sign or sign structure may be illuminated. No sign or sign structure located in a residential zoning district may be illuminated, except that on parcels measuring two acres or larger in surface area signs may be halo illuminated or illuminated as necessary for allowable digital signs. Permanent signs allowed by this chapter may be non-illuminated, illuminated by internal light fixtures, halo illuminated or externally illuminated unless otherwise specified in this chapter.

(b) Externally Illuminated Signs.

(1) Except as otherwise provided in this subsection, externally illuminated signs shall be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign (but not onto the sign structure, to the extent possible) without causing glare. Light shielding shall ensure that the lamp or light source is not visible beyond the premises and shall further ensure that the light is contained within the sign face.

(2) A light fixture mounted above the sign face may be installed with its bottom opening tilted towards the sign face, provided that (A) The bottom opening of the light fixture is flat and (B) the uppermost portion of the fixture's opening is located no higher than the top of the sign face. Light fixtures aimed and installed in this fashion shall be considered fully shielded.

(c) Internally Illuminated Signs.

(1) Internally illuminated signs shall be constructed with an opaque background and translucent text and symbols. If the sign owner or owners desire to have the entire sign face visible at night, an external light source may be used to illuminate the sign unless otherwise provided in this chapter.

(2) The difference between the off-message and solid-message measurements using the EMC measurement criteria shall not exceed 0.3 foot-candles at night, utilizing the recommended ISA methodology to determine compliance.

(3) All allowable EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and be programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements.

(d) Off-Premises Signs and Billboards. This section 10.38.090 does not apply to off-premises signs or billboards.

(a) Wall signs may project a maximum of one foot over the public right of way. Projecting wall signs shall not project over the public right of way. The bottom of the sign shall maintain a minimum height of eight feet above the adjacent grade or sidewalk. Freestanding signs shall be located entirely on private property and no closer than two feet of the back of curb line.

(b) No sign or sign structure shall project into any public alley below a height of fourteen feet above the alley grade, nor project more than twelve inches into the alley where the sign structure is located fourteen to sixteen feet above the alley grade. The sign or sign structure shall not project more than thirty six inches into the public alley where the sign or sign structure is located more than sixteen feet above the alley grade. (Ord. 1634 § 155, 2004.)

10.38.110 Abandoned signs/business closure.

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Within three months of any business closure or premises becoming unoccupied all on-premise signs shall be removed, painted over or the sign face shall be reversed so as to not be visible to the public. Any sign structure or sign cabinet, which conforms to the provisions of this chapter, may remain for future use. (Ord. 1634 § 156, 2004.)

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10.38.1020- Roof signs.

☐

All roof signs and sign structures shall comply with the following provisions: New roof signs are prohibited. Roof signs existing before July 10, 1979 shall be considered grand-fathered and shall be regulated in Section 10.38.170. (Ord. 1634 § 157, 2004.)

(a) Roof signs and sign structures shall be constructed in, on or upon the roof of a structure or building, shall be integrated into the roof system, and shall appear from all sides as a wall sign affixed to an existing part of the structure or building without any visible support structure.

(b) Roof signs and sign structures shall not exceed the allowable maximum height of the structure or building to which they are attached according to the provisions of the applicable zoning district.

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10.38.1310-__ Wall signs.

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All wall signs and sign structures shall conform to the following provisions:

~~(1a)~~__ Wall signs may be painted on or upon a wall, attached flat to a wall, or pinned to away from the wall, but shall not extend, project or otherwise protrude more than twelve inches outward from the wall.

~~(2b)~~__ The number of wall signs is not regulated. ~~However, ; provided,~~ the total sign area of any wall sign(s), including but not limited to projecting wall signs, shall not exceed ten percent of the total square footage of the wall to which attached.

~~(3c)~~__ ~~Wall signs~~No wall sign or sign structure shall ~~not~~ extend above the height of the wall to which it is attached.

(d) Marque and display case signs shall have:

(1) An area or functionality that allows for changeable text, graphics, symbols and content without alteration of the physical structure and components of the sign.

(2) A sign face mad of a translucent durable material.

(3) A sign cabinet or display case that is lockable and that protects the sign from weather.

10.38.120 Fascia signs.

All fascia signs and sign structures shall conform to the following provisions:

(a) Fascia signs may be painted on or upon the fascia board, attached flat to the fascia board, or pinned to the fascia board, but shall not extend, project or otherwise protrude more than twelve inches outward from the fascia board.

(b) The number of fascia signs is not regulated. However, the total sign area of any fascia sign, including but not limited to projecting fascia sign, shall not exceed

(c) No fascia sign or sign structures shall extend beyond the horizontal and vertical limits of the fascia board to which it is attached.

10.38.130 Temporary signs.

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No review is required for temporary signs or sign structures. All temporary signs and sign structures shall conform to the following provisions:

(a) No temporary sign or sign structure shall be placed in any roadway, required parking space, driveway or clear view triangle.

(b) No temporary sign or sign structure may be placed on, in or above any City-owned or City-operated property, structure, building or facility including but not limited to utility poles, utility boxes, fences, street signs, traffic signs, sidewalks, rights-of-way, trees, vegetation and vegetation beds, unless the owner or owners obtain in advance a “Special Event Permit”, “Temporary Use Permit” or other permission from the City.

(c) Temporary signs and sign structures may be placed on property that is residentially zoned in accordance with the requirements of this chapter and the following:

(1) Only one temporary window sign is allowed per residential unit and it shall not to exceed four square feet in total sign area.

(2) Freestanding signs, including post-mounted, stake-mounted and portable signs, are allowed as follows:

(A) In single-family residential zoning districts, temporary freestanding signs that are post-mounted on the ground shall not exceed four square feet in total sign area and five linear feet in height, and temporary freestanding signs that are stake-mounted in the ground or portable shall not exceed three feet in linear height.

(B) In multifamily residential zoning districts, temporary freestanding signs that are post-mounted in the ground shall not exceed six square feet in total sign area and five feet in linear height above ground level, and temporary freestanding signs that are stake-mounted in the ground or portable shall not exceed three feet in linear height above ground level.

(d) Temporary signs and sign structures may be placed on property that is non-residentially zoned in accordance with the requirements of this chapter and the following:

(1) The total sign area of any window sign shall not exceed fifty percent of the window area.

(2) Freestanding signs, including those that are post-mounted in the ground, shall not exceed four square feet of total sign area and five feet in linear height above ground level, and temporary signs that are stake-mounted in the ground or portable shall not exceed three feet in linear height above ground level.

(e) Surface-mounted signs are limited shall not exceed thirty square feet of total sign area and must be flatly affixed to walls or to on-site fences that face the abutting street or face inward to the subject site.

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(f) Temporary signs on a property of more than two surface acres, either residentially zoned or non-residentially zoned, may be of any type and cumulatively shall not exceed sixty-four square feet of total sign area and individually shall not exceed eight feet of lineal height above ground level. No other or additional temporary signs shall be displayed on such property.

(g) In all circumstances, temporary signs and sign structures shall be promptly removed after the event that they are related to has occurred or ended.

10.38.140 Carried signs.

Carried signs and sign structure are allowed in accordance with the following provisions:

(a) A carried sign and sign structure only constitutes a carried sign or sign structure so long as it is hand-held or carried by a person.

(b) A permit is not required for a carried sign or sign structure, but the person carrying the sign or sign structure must comply with all provisions of this chapter.

(c) Carried signs and sign structures are only allowable in nonresidential zoning districts.

(d) Any carried sign shall not exceed eight square feet in total sign area and shall not exceed eight lineal feet in height while held in place.

(e) Carried signs and sign structures shall conform to the following location standards, restrictions and requirements:

(1) No carried sign or sign structure shall be carried or held within fifteen feet of any driveway or un-signalized intersection when measured from the nearest edge of the curb abutting the roadway or from the edge of the roadway surface if no curb exists.

(2) For locations that have signalized intersections, carried signs and sign structure must remain on the sidewalk.

(3) In no event may a person, whether or not the person is carrying a sign or sign structure, impede or interfere with vehicular traffic or pedestrian traffic.

(4) No carried sign or sign structure is allowed on, in or above any City-owned property or City-operated property other than sidewalks.

(5) No carried sign or sign structure is allowed on, in or above parking stalls, parking aisle, loading lanes and areas, or emergency access lanes and areas.

(6) No carried sign or sign structure is allowed on, in or above driving lanes.

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(7) No carried sign or sign structure is allowed on, in or upon any fence, wall, boulder, planter, tree, vegetation, vegetation bed, other sign or sign structure, vehicle, utility facility or any other structure or building.

(8) No carried sign or sign structure is allowed at any location or in any manner that results in physical interference with vehicular traffic or pedestrian traffic.

(4) A building permit, in addition to a sign permit, is required for any projecting wall sign. (Ord. 1634 § 158, 2004.)

10.38.140 Construction identification signs.

One construction sign per street frontage is allowed with a maximum sign area of thirty square feet as allowed in Table 38-3 and a maximum sign height of twelve feet as allowed in Table 38-4. Within ninety days of project completion, which is determined as the date of initial occupancy, all construction signs shall be removed. (Ord. 1634 § 159, 2004.)

10.38.150 Use identification signs.

One use identification sign per street frontage with a maximum sign area of thirty square feet as allowed in Table 38-3 and a maximum sign height of twelve feet as allowed in Table 38-4. Use identification signs identify and/or contain information pertaining to a school, church, residential subdivision, governmental use (i.e., park, public office, etc.). (Ord. 1634 § 160, 2004.)

10.38.160- Directional signs.

(a) On-premises ~~D~~directional signs and sign structures shall be located on the premises and may contain both directions and business name or logo provided the business name or logo shall not exceed fifty percent of the sign area. All directional signs shall meet the general provisions of this chapter, shall not exceed four square feet, and are not permitted in the clear vision triangle or within the public right of way. (Ord. 1634 § 161, 2004.)~~that are viewable from the nearest public right-of-way are allowable as provided in Table 38-1. On premises directional signs may contain both directions and the name and logo of an occupant, business, event, activity or use, provided that such name and logo shall not exceed fifty percent of the total sign area. On premises directional signs and sign structures shall comply with all provisions of this chapter and individually shall not exceed ten square feet in total sign area.~~

(b) Off-premises directional signs and sign structures are allowable as provided in SMC 10.38.160, but must comply with the following provisions:

(1) Each use located in a zoning district where off-premises directional signs are allowed shall have no more than one associated off-premises directional sign.

(2) Each off-premises directional sign shall only contain directions and shall not exceed thirty-two square feet of total sign area and twenty-five lineal feet in lineal height above ground level.

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(3) Each off-premises directional sign shall be permanently installed on, in or above private property.

(4) No more than one off-premises directional sign may be installed on, in or above any lot or parcel.

10.38.1670 Off-premises signs and billboards.

□

(a) ~~Off Premises Signs~~ New off-premises signs and sign structures are prohibited. Off-premises signs and sign structures existing before July 10, 1979, shall be considered grandfathered and are regulated by~~shall be regulated in Section SMC 10.38.210~~10.38.180.

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(b) ~~Billboards~~ New billboards signs are prohibited. Billboard signs existing before July 10, 1979, shall be considered grandfathered and shall be~~are~~ regulated by SMC 10.38.210~~in Section 10.38.180.~~

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(c) ~~Welcome signs and Gateway Signs~~ For the purposes of this chapter, welcome/gateway shall not be considered off-premises signs and/or billboards, and thus are exempt from the prohibitions of the standards, restrictions and requirements of this section. ~~(Ord. 2077 § 4, 2019; Ord. 1634 § 162, 2004.)~~

10.38.170 Digital signs.

(a) The digital display area of any digital sign shall not exceed the lesser of fifty percent of the total sign area that is allowable as provided in Table 38-2 or fifty square feet.

(b) No more than one digital sign may be installed per each one hundred feet of street frontage.

(c) Digital signs are not allowed in residentially zoned districts.

(d) For EMCs, the difference between the off-message and solid-message measurements using the EMC measurement criteria shall not exceed 0.3 foot-candles at night. Each EMC shall be equipped with a sensor or other technological device that automatically determines the ambient illumination and automatically dims the sign according to such ambient illumination, or that can be adjusted so as to comply with the 0.3 foot-candle measurement.

(e) Digital signs shall not no motion other than the changing of the displayed content.

(f) The minimum duration between alternating display content shall be eight seconds.

10.38.180 Multiple-building complexes and multiple-tenant buildings.

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The following provisions shall apply to multiple-building complexes and multiple-tenant buildings located in the B-1 and B-2 zoning districts:

(a) The owner or operator of each multiple-building complex shall be allowed at least one freestanding sign and sign structure for, and located on, each of such complex's street frontages in accordance with Table 38-2.

(b) Whenever a street frontage is longer than three hundred lineal feet but shorter than six hundred lineal feet, the owner or operator of each multiple-building complex shall be allowed two total freestanding signs and sign structures for and located on that particular street frontage or shall be allowed a single, larger freestanding sign and sign structure for and located on that particular street frontage in accordance with Table 38-2.

(c) Whenever a street frontage is longer than six hundred lineal feet, the owner or operator of each multiple-building complex shall be allowed three total freestanding signs and sign structures for and located on that particular street frontage or shall be allowed a single, larger freestanding sign and sign structure for and located on that particular street frontage in accordance with Table 38-2.

(d) Each tenant within a multiple-building complex or multiple-tenant building shall be allowed on freestanding sign and sign structure in accordance with the provisions of this chapter.

(e) No freestanding sign or sign structure shall be placed closer than two hundred feet to any other freestanding sign or sign structure.

(f) Each freestanding sign shall be used to advertise for the occupant, business, event, activity or use that exists or occurs at the property.

10.38.190 Freeway signs.

(a) The purpose of this section is to allow commercial establishments located near the Interstate 82 freeway to potentially utilize a larger on-premises sign than would otherwise be allowed under this chapter.

(b) Freeway signs and sign structures shall be used to advertise for the occupant, business, event, activity or use that exists or occurs at the property, and shall be a Class (3) Use that requires a Class (3) Review.

(c) A freeway sign may be used in addition to or as a substitute for an allowable freestanding sign when there is more than one street frontage at the property and when the occupant, business, event, activity or use either (1) exists or occurs along a particular street frontage, or (2) exists or occurs within one thousand feet of a freeway interchange, or (3) exists or occurs within two hundred feet of a freeway right-of-way.

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(d) Only one freeway sign and sign structure are allowed on any property.

(e) The allowable maximum height for freeway signs is established in Table 38-3.

10.38.200 Portable signs.

Portable signs, including but not limited to sandwich boards, trailered signs and pole-mounted signs, shall comply with the following provisions:

(a) Portable signs and sign structures are only allowed in nonresidential zoning districts.

(b) Portable signs and sign structures must be constructed of durable materials, must be designed to withstand water and wind and if pole-mounted must include a heavy weighted base, otherwise they will constitute temporary signs and will be subject to SMC 10.38.130.

(c) Portable signs and sign structures shall not be illuminated.

(d) Portable signs shall not exceed four lineal feet in height and three lineal feet in width. The height measurement shall be measured from ground level to the highest edge or feature of the sign including but not limited to any support structure such as a trailer. The width measurement shall be measured include the full width of the sign and its features including but not limited to any support structure such as a vehicle.

(e) Only two portable signs and sign structures are allowed for each respective occupant, business, event, activity or use that exists or occurs at the property.

(f) The cumulative total sign area of all portable signs on any property shall not exceed twenty-four square feet.

(g) No portable sign or sign structure shall be placed closer than ten lineal feet to the primary structure or building wherein the occupant, business, event, activity or use associated with the sign or sign structure exists or occurs.

(h) No portable sign or sign structure shall be place further than ten lineal feet from the driveway or access to the property.

(i) No portable sign or sign structure shall be located on, in or above any City-owned or City-operated property, structure, building or facility including but not limited to utility poles, utility boxes, fences, street signs, traffic signs, sidewalks, rights-of-way, trees, vegetation and vegetation beds.

(j) Each portable sign shall be used to advertise for the occupant, business, event, activity or use that exists or occurs at the property.

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(k) No portable sign or sign structure shall be located in a clear view triangle, nor shall it otherwise obstruct vehicular traffic or pedestrian traffic.

(l) Portable signs shall be displayed solely during business operating hours only.

10.38.42180 – Legal nonconforming signs, maintenance of signs, removal of signs and enforcement of this chapter.

(a) Signs and sign structures that lawfully existed on July 10, 1979 under all codes and ordinances in effect at the time that this title is enacted or amended may continue to be maintained and operated as a legal nonconforming sign or sign structure so long as it remains otherwise lawful and further provided, that:

(1) No sign or sign structure shall be changed in any manner that increases its noncompliance with the provisions of this chapter.

(2) Any sign or sign structure that is structurally altered or physically moved shall void its legal nonconforming status and the sign or sign structure will be required to conform to the provisions of this chapter. However, Nothing in this section shall not apply to be construed to restrict a mere changes of the sign's content message, normal structural repair and/or periodic maintenance.

(3) Existing free-standing signs and sign structures located in the vision clear view triangle may be modified and allowed to remain provided that in the opinion of the administrative official, the modifications of freestanding sign and its support(s) does will not constitute a vision hazard.

(4) The sign and sign structure are not a hazardous or abandoned sign or sign structure. (Ord. 1634 § 163, 2004.)

(5) The sign and sign structure are not a portable sign or sign structure.

(b) It is unlawful for any owner, lessor, lessee, manager or other person or entity having lawful possession or control over a property, building or structure to fail to maintain any sign or sign structure that exists on, in or about the property, building or structure in accordance with the provisions of this chapter and the zoning provisions of this code. Failure to maintain a sign or sign structure constitutes a violation of this chapter and shall be subject to enforcement under SMC Chapter 21.13.

(c) Any vacant or unused sign or sign structure, including but not limited to support structures, poles and remnants of old signs or sign structures that are not currently in use and not proposed for immediate reuse, shall be removed. In addition to any other remedies, the administrative official shall have the authority to require the owner, lessor, lessee, manager or other person or entity having lawful possession or control over a property to at such person or entity's own expense repair, conduct maintenance on or complete removal of any sign or sign structure that has become dilapidated or that represents a hazard.

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(d) Violations of this section shall be enforced according to SMC Chapter 21.13.

10.38.220 Administrative adjustment of sign standards allowed.

(a) A comprehensive design plan shall be required whenever administrative adjustment is sought as to one or more standards, restrictions or requirements of this chapter or whenever such is otherwise required as part of a detailed sign plan.

(b) A comprehensive design plan shall include a narrative description and a site plan, consistent with the following provisions:

(1) The narrative description shall explain why the otherwise-applicable standards, restrictions and requirements are not adequate and require adjustment.

(2) The narrative description shall explain how the sign or sign structure relate to other signs and sign structures, the character of the zoning district, neighboring land uses, and the immediate surroundings including but not limited to existing and proposed structures, buildings and uses.

(3) For multiple-building complexes and multiple-tenant buildings, the narrative description shall explain how the total available sign area will be allocated between or among each occupant, business, event, activity or use that exists or occurs at the property.

(4) The site plan shall itemize the physical characteristics of the sign and sign structure, including their respective sizes, heights, shapes, colors, locations and relation to landscaping.

(c) The administrative official shall review the request for administrative adjustment in accordance with the provisions of SMC Chapter 10.30. The administrative official shall deny the request if he or she determines that granting the request would be inconsistent with the character of the zoning district or neighboring land uses, or that it would create visual disharmony. The administrative official shall approve the request if he or she determines that granting the request would be consistent with the character of the zoning district and neighboring land uses, and that it would not create visual disharmony. The administrative official may also conditionally approve the request subject to specific conditions, in order to uphold and accomplish the objectives of this chapter and SMC 10.30.020.

10.38.190-230 Variances.

Except as allowed by SMC 10.38.220, No reduction of the standards, restrictions and requirements of this chapter is allowed except as authorized pursuant to Title 10, Chapter 10.20.040 Variances. (Ord. 1634 § 164, 2004.)
pursuant to SMC Chapter 10.30.030.

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10.38.200 Administrative appeals.

~~F~~

- ~~(a) The appeal of administrative decisions or determinations made during the enforcement of this chapter shall be made to the legislative authority.~~
- ~~(b) Interpretations, decisions, or determinations made by the administrative official, except the appeal of administrative decisions or determinations made during the enforcement of this chapter, shall be appealed to the building code board of appeals.~~
- ~~(c) Appeals are commenced by filing a written notice of appeal with the administrative official setting forth the principal points on which the appeal is based, together with the filing fee for appeals.~~
- ~~(1) Appeal of administrative enforcement decisions or determinations must be filed within ten days of the date of the decision or determination.~~
- ~~(A) Any appeal under this subsection shall be heard by the legislative authority at a public hearing to be scheduled within twenty-eight calendar days of the date the appeal is filed. The legislative authority shall provide for a record that consists of the following:~~
 - ~~(i) Findings and conclusions;~~
 - ~~(ii) Testimony under oath; and~~
 - ~~(iii) A taped or written transcript.~~
- ~~(2) Appeal of administrative interpretations, decisions, or determinations, except enforcement decisions or determinations made by the administrative official, must be filed within fifteen days of the date of the administrative interpretation, decision, or determination.~~
- ~~(A) Any appeal under this subsection shall be heard by the building code board of appeals at a public hearing to be scheduled within forty calendar days of the date the appeal is filed. The building code board of appeals shall provide for a record that consists of the following:~~
 - ~~(i) Findings and conclusions;~~
 - ~~(ii) Testimony under oath; and~~
 - ~~(iii) A taped or written transcript.~~
- ~~(d) The procedural determination by the administrative official shall carry substantial weight in any appeal proceedings.~~
- ~~(e) The building code board of appeals or city council may affirm or reverse the decision of the administrative official or request additional information of the appellant or administrative official prior to its issuance of a decision.~~
- ~~(f) Only one appeal of an administrative interpretation, decision, or determination; or administrative decision or determination made during the enforcement of this chapter shall be allowed. (Ord. 1634 § 165, 2004.)~~

10.38.210 Judicial appeals.

~~F~~

~~After the exhaustion of administrative appeals set forth in Section 10.38.200 any person, firm or corporation aggrieved by any decision may appeal such decision to the Yakima County Superior Court of the state of Washington. (Ord. 1634 § 166, 2004.)~~

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10.38.2420 ___-Violations.

□

Failure to comply with the provisions of this chapter is a violation and is punishable under SMC Chapter 10.44. Violations of, or failure to comply with, the provisions of this chapter are declared to be unlawful and punishable under the provisions of Title 10, Chapter 10.24, (Ord. 1634 § 167, 2004.)

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10.38.250 Appeals.

Appeals of decisions made by the City under this chapter shall occur in accordance with SMC Chapter 21.11.

10.38.2360- Fees/charges.

□

The fees and charges for sign permitting, plan checks, inspections and other items or actions that are established to defray the City's administrative processing costs shall be paid in accordance with the adopted fee schedule recited in SMC Chapter 20.04.

(a) Administrative Appeals. The following fees, adopted in Ordinance 1418 § 6, 1998, established to defray administrative appeal costs shall be paid upon the filing of any appeal:

(1) Administrative enforcement decisions or determinations — two hundred fifty dollars.

(2) Administrative interpretations, decisions, or determinations — two hundred fifty dollars.

(b) Sign Permit, Plan Check Fee, Inspection and Other Fees. Sign permit, plan check fee, inspection and other fees established to defray administrative processing costs shall be paid in accordance with the adopted fee schedule listed in Ordinance #1627 adopted 10/26/2004 and shall be paid prior to the issuance of a sign permit. (The current sign permit fee 1-1-2005 is sixty dollars and thirty four cents).

Section 2. Thus, Chapter 10.38 ("Signs") will hereinafter read and provide as follows:

Chapter 10.38

SIGNS

Sections:

- 10.38.010 Intent and interpretation.
- 10.38.020 Definitions.
- 10.38.030 Development permit required.
- 10.38.040 Exempt signs.
- 10.38.050 Prohibited signs.
- 10.38.060 Sign standards.

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10.38.070	General provisions.
10.38.080	Signs projecting over right-of-way.
10.38.090	Sign illumination.
10.38.100	Roof signs.
10.38.110	Wall signs.
10.38.120	Fascia signs.
10.38.130	Temporary signs.
10.38.140	Carried signs.
10.38.150	Directional signs.
10.38.160	Off-premises signs and billboards.
10.38.170	Digital signs.
10.38.180	Multiple building complexes and multiple tenant buildings.
10.38.190	Freeway signs.
10.38.200	Portable signs.
10.38.210	Legal nonconforming signs, maintenance of signs, removal of signs and enforcement of this chapter.
10.38.220	Administrative adjustment of sign standards allowed.
10.38.230	Variances.
10.38.240	Violations.
10.38.250	Appeals.
10.38.260	Fees/charges.

10.38.010 Intent and interpretation.

(a) This chapter is intended to protect, promote and enhance the overall aesthetic of the City and also the health, safety, welfare and economic interests of residents, businesses, property owners, workers, consumers, tourists and visitors – each of which constitutes a substantial governmental interest – through a comprehensive system of reasonable, effective, consistent, content-neutral and nondiscriminatory standards, restrictions, and requirements. The overall aesthetic of the City suffers when unsightliness or visual clutter is caused by the existence, location or physical characteristics of a sign or sign structure. The health, safety, welfare and economic interests of residents, businesses, property owners, workers, consumers, tourists and visitors suffer when a sign or sign structure distracts vehicular traffic, is illegible or otherwise confusing, obstructs lines of sight for vehicular traffic, obstructs pedestrian traffic, obstructs lines of sight for pedestrian traffic or creates unsightliness or visual clutter. Commerce, property values and quality of life in the City are each impacted, sometimes positively and sometimes negatively, by signs and sign structures. Confusion, anger and even litigation can arise when individuals or entities place certain signs or sign structures on City-owned property, such as rights-of-way, because other individuals may perceive the City to be endorsing the content, viewpoint or message expressed by, on or within those signs or sign structures. For all of these reasons, establishing and enforcing a comprehensive system in the City for signs and sign structures is reasonable and necessary, and will benefit the City and all individuals and entities by:

- (1) Protecting and enhancing aesthetics in the City;
- (2) Enhancing vehicular traffic safety in the City;
- (3) Enhancing pedestrian traffic safety in the City;

- (4) Reducing the risks of bodily injury and property damage;
- (5) Protecting and enhancing property values in the City;
- (6) Promulgating understandable and fair standards, restrictions and requirements;
and
- (7) Recognizing, upholding and not unreasonably infringing the speech rights of individuals and entities.

(b) This chapter is not intended, and shall not be interpreted or enforced, so as to regulate or restrict any sign or sign structure based on the content, viewpoint or message expressed by, on or within the sign or sign structure. Similarly, this chapter is not intended, and shall not be interpreted or enforced, so as to favor or disfavor commercial speech, noncommercial speech, political speech or nonpolitical speech in comparison to any other type or types of speech. Rather, this chapter is intended, and shall be interpreted and enforced, so as to be content-neutral, viewpoint-neutral, message-neutral and neutral as to commercial speech, noncommercial speech, political speech and nonpolitical speech.

10.38.020 Definitions.

For the purpose of this chapter, the following abbreviations, terms, phrases, words and derivatives shall be construed as specified in this section.

(a) “Abandoned sign” means any sign or sign structure that is (i) located on property that has been vacant, unoccupied or not lawfully used for a consecutive period of ninety days or longer; or (ii) has not been lawfully used for a consecutive period of ninety days or longer; or (iii) is not an allowed off-premises sign or sign structure and that pertains to any occupant, business, event, activity or use different from the occupant, business, event, activity or use now existing on the property (irrespective of whether a consecutive period of ninety days or longer has elapsed); or (iv) is substantially broken, inoperable, defective, defaced, faded, peeled, rusted, illegible, incomplete or otherwise deteriorated and is not fully repaired and restored within thirty days after the City provides notice of the condition to the owner of the property where such sign or sign structure is located.

(b) “Administrative official” means the Mayor or the Mayor’s designee.

(c) “Banner” means any sign or sign structure that is not a “Flag”, that is constructed of cloth, fabric, nylon or any other similar material, and that is mounted at one or more edges or locations to a staff, pole, upright, brace, building or other supporting structure or device.

(d) “Billboard” means any large-scale outdoor sign or sign structure that is customarily, but not necessarily, leased for a period of time to one or more customers who wish to display large-scale outdoor advertising content that is often but always unrelated to the occupant, business, event, activity and use existing on the property where such sign or sign structure is located or existing in the immediate area.

(e) “Canopy sign” means any sign or sign structure made of any material and irrespective of its structural components that is attached to, affixed to, connected to or otherwise a part of any awning, canopy or other overhang, cover or covering on, above, over or around a door, entrance, window, opening, outdoor congregation area, outdoor service area or fire escape.

(f) “Carried sign” means any sign or sign structure that is hand-held or carried by a person so long as it is hand-held or carried by a person.

(g) “Changing message sign” means any sign or sign structure that does or was originally designed to display different, updated or cycling content on an automatic or semi-automatic basis as a result of electronic or manual control. Examples include, but are not limited to, date displays or time displays or temperature displays shown on a lamp bank of an electronic sign, and reader board displays shown either on a lamp bank of an electronic sign or in fixed letters on a manual reader board sign.

(h) “Digital sign” means any sign or sign structure that does or was originally designed to display changeable text, graphics, symbols and content by usage of light emitting diodes (LEDs) or other technological means contrasted with a nonilluminated or blank background. Digital signs and sign structures are also known as “Electronic message centers” or “EMCs”.

(i) “Directional sign” means any sign or sign structure erected for the intended or apparent purpose of facilitating or controlling the efficient and safe movement of vehicles or pedestrians. See also “Off-premises directional sign” and “On-premises directional sign”.

(j) “Electrical sign” means any sign or sign structure that uses or was originally designed to use electricity, electrical wiring, electrical connections or electrical fixtures or devices.

(k) “Fascia board” means (i) a board or structural component affixed to the outside vertical face of a cornice; or (ii) a board or structural component connecting the top of the siding with the bottom of a soffit; or (iii) a board or structural component nailed or otherwise affixed across the ends of the rafters at the eaves; or (iv) the edge beam of a bridge; or (v) the flat member or band at the surface of a building.

(l) “Fascia sign” means any sign or sign structure that is attached to, affixed to, connected to or otherwise a part of any fascia board of any roof structure and that does not extend, project or otherwise protrude more than twelve inches outward from the nearest edge of the parapet or fascia (including the parapet to which the fascia is attached) of the structure or building, that does not extend outward beyond the horizontal width of the building (including the building’s parapet and fascia), and that for its entire length exists and runs in a parallel direction to the nearest wall or face of the structure or building.

(m) “Flag” means any piece of cloth, fabric, nylon or other similar type of material that is attached to, affixed to, connected to or otherwise a part of a staff, pole, upright, brace,

building or other supporting structure or device, and that customarily but not necessarily includes distinctive words, letters, colors, patterns, designs, images, figures, symbols or logos.

(n) “Flashing sign” means any sign or sign structure that is not a “Changing message sign” and that does or was originally designed to (i) change or alter displayed lumens or light intensity in sudden transitory bursts; or (ii) switch on and off in a constant pattern in which more than one-third of the nonconstant light source is off at any one time; or (iii) do one or more similar functions.

(o) “Freestanding sign” means any sign or sign structure that is not a “Banner” or “Flag” and that is supported by one or more staffs, poles, uprights, braces or other structures (but not including buildings) that are located on, in, or upon the ground.

(p) “Freeway sign” means any sign or sign structure that has an intended or apparent purpose of being noticed by and gaining the attention of freeway vehicular traffic drivers and passengers.

(q) “Marque” and “Display case sign” each mean any sign or sign structure that is customarily, but not necessarily, associated with a movie theater, performing arts venue, theatrical playhouse or any other similar type of location or structure. The sign shall be attached to a structure or building either in a flat and parallel orientation to the structure or building or in such other orientation as approved by the “Administrative Official”. The sign shall include an area or functionality that allows for changeable text, graphics, symbols and content without alteration of the physical structure and components of the sign. A Marque or Display case sign shall be considered to be a “Wall sign” and thus shall be subject to SMC 10.38.110, and shall not be considered a “Temporary sign” that is subject to SMC 10.38.130.

(r) “Multiple-building complex” means any group of structures or buildings located on a single property from which two or more retail, office or commercial uses share a portion of the structures or buildings, the property, ingress and egress accesses, parking facilities or a coordinated site plan. For purposes of this chapter, each Multiple-building complex shall be considered a single use.

(s) “Nonconforming sign” means any sign or sign structure that previously conformed or substantially conformed to all then-applicable standards, restrictions and requirements including but not limited to all permitting requirements, but which no longer conforms or substantially conforms to the now-applicable standards, restrictions and requirements.

(t) “Off-premises sign” means any sign or sign structure that has an intended or apparent purpose of displaying advertising content for an occupant, business, event, activity, use, service, good, product, merchandise, point of sale, person or entity on, at or from a location other than on the property where the sign or sign structure is located.

(u) “Off-premises directional sign” means any sign or sign structure that has an intended or apparent purpose of displaying directions to a particular location, structure, building or business that is not located on the property where the sign or sign structure is located.

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(v) “On-premises” sign means any sign or sign structure that is incidental to a lawful use existing on the property where such sign or sign structure is located, and that has an intended or apparent purpose of displaying advertising content for an occupant, business, event, activity, use, service, good, product, merchandise, point of sale, person or entity on, at or from the property where the sign or sign structure is located.

(w) “Permanent sign” means any sign or sign structure made of any durable, weather-proof or weather-resistant material that has an intended or apparent permanence of use and that does not meet the definition of “Temporary sign” or fall under any other provision of this chapter.

(x) “Portable sign” means any sign or sign structure made of wood, metal, plastic or any other durable material that is not attached to the ground or a structure. Examples include, but are not limited to, sandwich board signs, “Trailer signs” and portable reader-board signs that are placed on private property.

(y) “Projecting sign” means any sign or sign structure that is not a “Canopy sign”, “Fascia sign” or “Wall sign”, that is attached, affixed or connected to a structure or building, and that extends, protrudes or otherwise projects outward from the nearest edge of the structure or building.

(z) “Roof sign” means any sign or sign structure that is erected or constructed so as to be part of the roof structure or design of any structure or building, that is wholly or partially supported by any structure or building, and that in whole or in part is situated above the roofline to which it is attached.

(aa) “Sign” means words, letters, colors, patterns, designs, images, figures, symbols or logos, either with or without illumination, on any medium including but not limited to such medium’s structural components or attachments, that has an intended or apparent purpose of being noticed by and gaining the attention of persons and that displays advertising content for an occupant, business, event, activity, use, service, good, product, merchandise, point of sale, person or entity. Examples of such attachments include, but are not limited to, balloons, streamers, pennants, flags, inflatables and other devices or items.

(bb) “Sign area” means that area contained within a single continuous perimeter enclosing the entire sign or “Sign cabinet”, but does not include any support or framing structure that does not convey a message.

(cc) “Sign cabinet” means the module or background containing the message of the sign, but does not include any sign support, architectural framing or other decorative feature that contains no message.

(dd) “Sign height” means the vertical distance measured from the highest portion of the sign to further of the grade immediately below the sign or the upper surface of the nearest street curb.

(ee) “Sign setback” means the horizontal distance measured from the nearest property line or parcel line to the nearest edge of the sign.

(ff) “Street frontage” means the horizontal distance measured along any property line or parcel line that borders or is adjacent to any public street. For a corner lot, each street-side property line or parcel line shall be a separate Street frontage. The Street frontage for a single use or development on two or more parcels shall be the sum of all frontages.

(gg) “Temporary sign” means any sign or sign structure that has an intended or apparent non-permanence of use, that is made of any nondurable material such as cloth, paper, corrugated board, cardboard, canvas, flexible plastic, thin metal stakes, foam core board, water-soluble paint or any type of chalk, and that is not erected, constructed, placed, attached, affixed or otherwise connected to the ground or any permanent structure or building in any permanent way such as via concrete, nails or screws. Examples include, but are not limited to, posters, placards, stakes, banners, pennants, valances and displays made of cloth, paper, canvas, cardboard or any other light nondurable material. Any sign or sign structure that is in whole or part is made of durable materials shall be a “Permanent sign”.

(hh) “Trailer sign” means any sign or sign structure that is attached to, affixed to, connected to or otherwise located in, on or about any trailer, or that has its own wheels or transport mechanisms that move or were originally designed to move the sign or sign structure between locations. However, this definition does not include any sign or sign structure that is attached to, affixed to, connected to or otherwise located in, on or about any vehicle that is not a trailer such as passenger cars, trucks or recreational vehicles, and those signs and sign structures are subject to SMC 10.38.140(i).

(ii) “Wall sign” means any “On-premises sign” that is attached to, affixed to, connected to or otherwise a part of a wall of any structure or building, or that is painted directly on a wall of any structure or building, or that is erected against and parallel to a wall of any structure or building, or so as to extend, project or otherwise protrude outward from a wall of any structure or building.

(jj) “Wayfinding sign” means any “Off-premises sign” that has an intended or apparent purpose of facilitating or controlling the efficient and safe movement of vehicles or pedestrians to local tourist or visitor destinations designated and recognized by the City.

(kk) “Welcome sign” and “Gateway sign” means any sign or sign structure at or near any entry or exit point to the City that introduces, welcomes, advises or thanks tourists or visitors entering or leaving the City or region. A Welcome Sign or Gateway Sign may incorporate or provide space for advertisements that are incidental to the primary purpose of the sign and sign structure, or that serve to help fund the sign or sign structure, or that stimulate the economy within the City, or that promote tourism and visitation.

(ll) “Window sign” means any sign or sign structure that has an intended or apparent purpose of communicating information about an occupant, business, event, activity, use, service, good, product, merchandise, point of sale, person or entity, that is placed on, upon or inside a

window, window pane, glass surface or other transparent surface, and that is visible from the exterior of such window, window pane, glass surface or other transparent surface.

10.38.030 Development permit required.

(a) No sign or sign structure governed by this chapter shall be erected, structurally altered or relocated unless a “Development Permit” is received in advance from the Administrative Official. Any application for a Development Permit shall be reviewed by the City for conformance to the standards, restrictions and requirements of this chapter and all other applicable chapters of the Selah Municipal Code, based on the specific characteristics of sign or sign structure.

(b) New Signs. Any on-premise sign or sign structure meeting the standards, restrictions and requirements of this chapter is considered a Class (1) use and thus shall require a Class (1) review and approval. By contrast, any on-premises sign or sign structure not meeting the standards, restrictions and requirements of this chapter shall be subject to SMC 10.38.220 and is not otherwise allowed. Any off-premises sign or sign structure or billboard is not allowed as stated in SMC 10.38.160.

(c) Changes to Existing Signs. Structural change to or replacement of any existing sign or sign structure shall require a Class (1) review and approval. However, changes to the text, copy or face of a sign or sign structure that do not significantly alter the material or appearance of the preexisting sign or sign structure do not require a Class (1) review and approval.

10.38.040 Exempt signs.

The following signs and sign structures are exempt from the permitting requirements (but not exempt from the other standards, restrictions and requirements) of this chapter:

(a) Any on-premises sign that is not viewable from the nearest public right-of-way. Examples include, but are not limited to, menu boards and interior signs.

(b) Any on-premises directional sign that meets the other standards, restrictions and requirements of this chapter, including but not limited to all size restrictions.

(c) Any barber poles or gravestone or separate-use structure such as a Goodwill container or election ballot drop box.

(d) Any address numbers or building identification information that is required or allowed by law.

(e) Any temporary sign on private property.

(f) Any signs installed by or for any government or public agency, including but not limited to the City, Yakima County and the state, that pertain in whole or part to vehicular traffic, pedestrian traffic, health, safety or general welfare. Examples include, but are not limited to, the following:

- (1) Emergency signs and warning signs.
- (2) Traffic signs and Wayfinding signs.
- (3) Signs required by law to exist.
- (4) Signs showing the location of public facilities.

(g) Any flag that is:

- (1) Located on a flagpole in any residential zoning district.
- (2) Shares the flagpole with no more than one other flag or item irrespective of the zoning district.
- (3) Located on a flagpole that does not exceed the allowable maximum structure height of the zoning district. See SMC Chapter 10.38, Table 38-2.
- (4) Located on a flagpole that meets all applicable minimum setback standards for accessory structures. See SMC Chapter 10.38, Table 38-4.

(h) Memorial signs or tablets, names of buildings, dates of erection and similar items and information, which are incorporated into the building materials and façade.

(i) Signs on, in or about a vehicle unless the vehicle is parked or stationed for the intended or apparent purpose of being noticed by and gaining the attention of persons who might be interested in an occupant, business, event, activity, use, service, good, product, merchandise, point of sale, person or entity on the property where the vehicle is parked or stationed or nearby to such property.

(j) Signs taped or otherwise affixed to, on or upon the inside of a window, window pane, glass surface or other transparent surface in such a manner as to be later easily removed unless any individual sign area exceeds the total allowed under this chapter for a “Window sign” or “Temporary sign”.

(k) Portable signs and freestanding signs that meet the requirements of SMC 10.38.155 and 10.38.110, as well as any other applicable provision of this chapter.

10.38.050 Prohibited signs.

The following signs and sign structures are prohibited:

(a) Any sign or sign structure located on, in or about a vehicle or trailer that is parked or stationed on public property or private property, that is visible from any public right-of-way, and that has an intended or apparent purpose of circumventing or trying to circumvent the provisions of this chapter. However, this provision shall not prohibit signs painted on or magnetically attached to any vehicle or trailer while such vehicle or trailer is in normal operation.

(b) Any sign or sign structure purporting to be, imitating or substantially resembling any official traffic sign or signal due to its color, design, location, illumination or otherwise, or that obstructs the visibility of any official traffic sign or signal in any degree or way including but not limited to via glare or illumination.

(c) Any sign or sign structure attached to any utility, streetlight or traffic-control signal pole or facility, or attached to any fence or structure or building owned by any government or public agency, or placed on any trees or vegetation or vegetation bed owned by any government or public agency.

(d) Any projecting sign that swings, rotates or otherwise physically moves.

(e) Any sign or sign structure that is dilapidated or hazardous in condition. Examples include, but are not limited to, signs and sign structures that contain peeling paint, major cracks or holes, or loose or dangling materials.

(f) Any abandoned sign or sign structure.

(g) Any sign or sign structure on a door, entrance, window, opening, outdoor congregation area, outdoor service area or fire escape that in whole or part restricts free and unimpeded ingress or egress.

(h) Any other sign or sign structure not meeting the provisions of this chapter.

10.38.060 Sign standards.

The provisions of this chapter and the requirements in Table 38-1 (“Type of Signs Allowed”); Table 38-2 (“Number of Signs Allowed”); Table 38-3 (“Maximum Sign Area”) and Table 38-4 (“Maximum Sign Height”) are established for all signs and sign structures in the respective zoning districts as indicated. All signs and sign structures are subject to the review procedures of this title and the standards of this chapter. Signs and sign structures related to a Class (1), Class (2) or Class (3) principal use shall be subject to the same procedural, review and approval requirements as the principal use is subject to.

Table 38-1. Type and Number of Signs Allowed

SIGN TYPE		ZONING DISTRICTS						
		LDSF	R-1	R-2	R-3	B-1	B-2	M-1
ALLOWED SIGNS								
On-Premises Signs	Nameplate	Permitted as an Accessory Use to an Approved or Existing Use						
	Subdivision Identification/Project Identification ²							
	Roof	Not Allowed		Class (1) Use				
	Permanent Freestanding ¹	Subdivision/Proj. I.D. Only		On-premises signs meeting the standards of this chapter are considered Class (1) uses requiring Class (1) review. On-premises signs not meeting the standards of this chapter shall follow the procedures of SMC 10.38.170, and are otherwise not permitted.				
	Projecting	Not Allowed		Not Allowed		Class (3) Use See SMC 10.38.150		
	Freeway			Not Allowed		Not Allowed		
Off-Premises Signs Including Billboards							Not Allowed	
NUMBER OF SIGNS ALLOWED								
On-Premises Signs	Nameplate	1 per Dwelling or Business						
	Subdivision Identification/Use Identification ²	1 per Street Frontage			1 per Street Frontage			
	Permanent Freestanding ¹	Not Allowed						
	Projecting							
	Wall Signs				See SMC 10.38.100			
	Roof Signs				See SMC 10.38.090			
	Freeway				Freeway: See SMC 10.38.150			
Off-Premises Signs Including Billboards		Not Allowed			Directional: See SMC 10.38.120(B)			Not Allowed (Also See SMC 10.38.130)
TYPE AND NUMBER OF SIGNS ALLOWED THAT ARE BASED ON OTHER CRITERIA								
Temporary Signs	See SMC 10.38.110							
Carried Signs	See SMC 10.38.115							
Digital Signs	See SMC 10.38.135							
Portable Signs	See SMC 10.38.155							

NOTES:

- SMC 10.38.140 has freestanding sign provisions for multiple-building complexes and multiple-tenant buildings. Sign provisions for temporary freestanding signs are addressed in SMC 10.38.110. Permanent freestanding signs are limited to subdivision signs in residential areas.
- Nameplates and subdivision identification signs permitted in the residential districts may be placed on a wall—See Table 38-2.

Table 38-2. Maximum Sign Area

ZONING DISTRICT		Freestanding and Projecting Signs			
		Sign is set back 15 ft. or less from required right-of-way	Sign is set back 15 ft. or more from required right-of-way	WALL SIGNS	FREEWAY SIGNS
Residential Districts					
LDSF, R-1, R-2, and R-3		Nameplates up to 2 sq. ft. and subdivision/project identification up to 32 sq. ft.			NOT PERMITTED
Commercial & Industrial Districts					
B-1	Frontage is less than 300 ft. long	1 sq. ft. of sign area per lineal ft. of frontage up to 100 sq. ft.	1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft.	SIZE OF WALL TO WHICH ATTACHED	WHERE PERMITTED: UP TO 300 SQUARE FEET
	Frontage is more than 300 ft. long	1 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft.	1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft.		
B-2	Frontage is less than 300 ft. long	1 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft.	1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft.		
	Frontage is more than 300 ft. long	1 sq. ft. of sign area per lineal ft. of frontage up to 200 sq. ft.	1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 250 sq. ft.		
M-1		1 sq. ft. of sign area per lineal ft. of frontage up to 100 sq. ft.	1-1/2 sq. ft. of sign area per lineal ft. of frontage up to 150 sq. ft.		
MAXIMUM AREA PER SIGN = 2 TIMES THE MAXIMUM AREA PER SIGN FACE					
MAXIMUM SIGN AREA OF OTHER SIGN TYPES THAT ARE BASED ON OTHER CRITERIA					
Temporary Signs		See SMC 10.38.110			
Carried Signs		See SMC 10.38.115			
Digital Signs		See SMC 10.38.135			
Portable Signs		See SMC 10.38.155			

Table 38-3. Sign Height and Setbacks

SIGN STANDARDS		ZONING DISTRICTS					
		LDSF	R-1	R-2	R-3	B-1	B-2
MAXIMUM SIGN HEIGHT							
Permanent Freestanding ¹	Sign is set back 15 feet or less from required right-of-way	5 ft.			30 ft.	30 ft.	30 ft.
	Sign is set back more than 15 feet from required right-of-way	10 ft.			30 ft.	30 ft.	30 ft.
Projecting		Not permitted ²			See SMC 10.38.080		
1.	Wall				1. Top of wall to which attached (SMC 10.38.100)		
2.	Fascia				2. Horizontal and vertical limits of fascia board to which attached (SMC 10.38.105)		

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SIGN STANDARDS	ZONING DISTRICTS						
	LDSF	R-1	R-2	R-3	B-1	B-2	M-1
Freeway							Where permitted: 70 ft.
SETBACKS							
Minimum front yard setbacks	Edge of right-of-way						
Minimum side yard setbacks	Required setback standards for each zoning district (Table 8-3 & 8-4)						
SIGN HEIGHT AND SETBACKS FOR SIGNS TYPES THAT ARE BASED ON OTHER CRITERIA							
Temporary Signs	See SMC 10.38.110						
Carried Signs	See SMC 10.38.115						
Digital Signs	See SMC 10.38.135						
Portable Signs	See SMC 10.38.155						

Notes:

- 1 SMC 10.38.140 has special freestanding sign provisions for multiple-building complexes and multiple-tenant buildings.
- 2 Nameplates and subdivision identification signs permitted in the residential districts may be placed on a wall. (See Table 38-1.)

10.38.070 General provisions.

All signs and sign structures, including but not limited to exempt signs and temporary signs, shall comply with the following provisions:

- (a) Construction shall satisfy the requirements of the building code.
- (b) Permanent signs and sign structures must be manufactured of durable materials that withstand the effects of water and wind. Paper-faced signs, including but not limited to vinyl-coated paper and adhesive on paper, are not allowed. Canvas or vinyl signs must be durable. Signs or sign structures made of canvas, fabric, vinyl or any similar pliable material that are attached, affixed or otherwise connected to a permanent sign or sign structure must be mounted behind a perimeter frame or trim cap so that the edges of the sign face are not exposed, except that flags that are made of one hundred percent spun polyester are exempt from such requirement.
- (c) Except for exempt signs, temporary signs and portable signs, all signs and sign structures shall be attached, affixed or connected to a structure, building or the ground.
- (d) All signs and sign structures shall comply with the setback requirements of Table 8-3 and Table 8-4, except that if a side yard or rear yard is a street frontage then the front setback requirement shall be applicable.
- (e) In addition to the sign illumination requirements of SMC 10.38.090, lighting directed on, upon or at any sign or sign structure, or that is internal to any sign or sign structure,

shall be shaded, screened or directed so that the light's intensity or brightness does not adversely affect or impact any neighboring use, nearby use, neighboring property, nearby property, vehicular traffic or pedestrian traffic.

(f) All signs and sign structures, including but not limited to all framing, supports, braces and guy lines, shall be maintained in a safe and secure manner.

(g) All decorative features and all sign structures, including but not limited to all framing, supports, braces and guy lines, that do not contain text or advertising content shall not exceed, in comparison to the overall sign cabinet, a surface ratio of 1:1.

(h) No sign or sign structure shall be placed in the clear view triangle of any roadway, driveway or curb cut as established in SMC 10.08.030.

(i) The construction of temporary signs and sign structures is limited to the materials described in the definition of "Temporary sign". In addition, all temporary signs and sign structures must conform to the standards, requirements and restrictions of this chapter, including but not limited to SMC 10.38.110.

(j) No sign or sign structure shall be placed in, on or above, or in any way affixed, attached or connected to, any City-owned or City-operated property, structure, building or facility including but not limited to utility poles, utility boxes, fences, street signs, traffic signs, sidewalks, rights-of-way, trees, vegetation and vegetation beds. Any sign or sign structure that violates this provision may be removed by the City, will be held by the City at its Public Works Department for a minimum period of five business days, and will then be permanently disposed of by the City if the owner or owners have not previously claimed and retook possession of such sign or sign structure. The owner or owners may be required to pay a fine (for litter, violation of this chapter or otherwise) prior to retaking possession, and may face civil or criminal prosecution stemming from such violation. If the same or substantially similar sign or sign structure is again placed in violation of this subsection, the City will permanently dispose of the sign or sign structure without holding such for any minimum period of time and without providing the owner or owners the opportunity to retake possession.

10.38.080 Signs projecting over right-of-way.

Projecting signs and sign structures, and freestanding signs and sign structures, shall comply with the following provisions:

(a) The highest edge of any sign or sign structure shall not exceed the highest edge of the structure or building to which it is attached by more than one-third.

(b) All signs and sign structures projecting over any public right-of-way shall conform to the following standards and the owner or owners must obtain in advance a "Right-of-Way Use Permit":

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Clearance Above Grade	Maximum Projection
Less than 8 feet	Not allowed
8 feet to 9 feet	1 foot
9 feet to 10 feet	2 feet
Over 10 feet	2/3 the distance from building to curb line or a maximum of 10 feet

(c) No sign or sign structure shall project within two feet of the curb line.

(d) Only one projecting sign and one associated projecting sign structure shall be allowed per tenant space or building frontage.

10.38.090 Sign illumination.

(a) In General. No temporary sign or portable sign or sign structure may be illuminated. No sign or sign structure located in a residential zoning district may be illuminated, except that on parcels measuring two acres or larger in surface area signs may be halo illuminated or illuminated as necessary for allowable digital signs. Permanent signs allowed by this chapter may be non-illuminated, illuminated by internal light fixtures, halo illuminated or externally illuminated unless otherwise specified in this chapter.

(b) Externally Illuminated Signs.

(1) Except as otherwise provided in this subsection, externally illuminated signs shall be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign (but not onto the sign structure, to the extent possible) without causing glare. Light shielding shall ensure that the lamp or light source is not visible beyond the premises and shall further ensure that the light is contained within the sign face.

(2) A light fixture mounted above the sign face may be installed with its bottom opening tilted towards the sign face, provided that (A) The bottom opening of the light fixture is flat and (B) the uppermost portion of the fixture's opening is located no higher than the top of the sign face. Light fixtures aimed and installed in this fashion shall be considered fully shielded.

(c) Internally Illuminated Signs.

(1) Internally illuminated signs shall be constructed with an opaque background and translucent text and symbols. If the sign owner or owners desire to have

the entire sign face visible at night, an external light source may be used to illuminate the sign unless otherwise provided in this chapter.

(2) The difference between the off-message and solid-message measurements using the EMC measurement criteria shall not exceed 0.3 foot-candles at night, utilizing the recommended ISA methodology to determine compliance.

(3) All allowable EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and be programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements.

(d) Off-Premises Signs and Billboards. This section 10.38.090 does not apply to off-premises signs or billboards.

10.38.100 Roof signs.

All roof signs and sign structures shall comply with the following provisions:

(a) Roof signs and sign structures shall be constructed in, on or upon the roof of a structure or building, shall be integrated into the roof system, and shall appear from all sides as a wall sign affixed to an existing part of the structure or building without any visible support structure.

(b) Roof signs and sign structures shall not exceed the allowable maximum height of the structure or building to which they are attached according to the provisions of the applicable zoning district.

10.38.110 Wall signs.

All wall signs and sign structures shall conform to the following provisions:

(a) Wall signs may be painted on or upon a wall, attached flat to a wall, or pinned to a wall, but shall not extend, project or otherwise protrude more than twelve inches outward from the wall.

(b) The number of wall signs is not regulated. However, the total sign area of any wall sign, including but not limited to projecting wall sign, shall not exceed ten percent of the total square footage of the wall to which attached.

(c) No wall sign or sign structure shall extend above the height of the wall to which it is attached.

(d) Marque and display case signs shall have:

- (1) An area or functionality that allows for changeable text, graphics, symbols and content without alteration of the physical structure and components of the sign.
- (2) A sign face mad of a translucent durable material.
- (3) A sign cabinet or display case that is lockable and that protects the sign from weather.

10.38.120 Fascia signs.

All fascia signs and sign structures shall conform to the following provisions:

- (a) Fascia signs may be painted on or upon the fascia board, attached flat to the fascia board, or pinned to the fascia board, but shall not extend, project or otherwise protrude more than twelve inches outward from the fascia board.
- (b) The number of fascia signs is not regulated. However, the total sign area of any fascia sign, including but not limited to projecting fascia sign, shall not exceed
- (c) No fascia sign or sign structures shall extend beyond the horizontal and vertical limits of the fascia board to which it is attached.

10.38.130 Temporary signs.

No review is required for temporary signs or sign structures. All temporary signs and sign structures shall conform to the following provisions:

- (a) No temporary sign or sign structure shall be placed in any roadway, required parking space, driveway or clear view triangle.
- (b) No temporary sign or sign structure may be placed on, in or above any City-owned or City-operated property, structure, building or facility including but not limited to utility poles, utility boxes, fences, street signs, traffic signs, sidewalks, rights-of-way, trees, vegetation and vegetation beds, unless the owner or owners obtain in advance a “Special Event Permit”, “Temporary Use Permit” or other permission from the City.
- (c) Temporary signs and sign structures may be placed on property that is residentially zoned in accordance with the requirements of this chapter and the following:
 - (1) Only one temporary window sign is allowed per residential unit and it shall not to exceed four square feet in total sign area.
 - (2) Freestanding signs, including post-mounted, stake-mounted and portable signs, are allowed as follows:

(A) In single-family residential zoning districts, temporary freestanding signs that are post-mounted on the ground shall not exceed four square feet in total sign area and five linear feet in height, and temporary freestanding signs that are stake-mounted in the ground or portable shall not exceed three feet in linear height.

(B) In multifamily residential zoning districts, temporary freestanding signs that are post-mounted in the ground shall not exceed six square feet in total sign area and five feet in linear height above ground level, and temporary freestanding signs that are stake-mounted in the ground or portable shall not exceed three feet in linear height above ground level.

(d) Temporary signs and sign structures may be placed on property that is non-residentially zoned in accordance with the requirements of this chapter and the following:

(1) The total sign area of any window sign shall not exceed fifty percent of the window area.

(2) Freestanding signs, including those that are post-mounted in the ground, shall not exceed four square feet of total sign area and five feet in linear height above ground level, and temporary signs that are stake-mounted in the ground or portable shall not exceed three feet in linear height above ground level.

(e) Surface-mounted signs are limited shall not exceed thirty square feet of total sign area and must be flatly affixed to walls or to on-site fences that face the abutting street or face inward to the subject site.

(f) Temporary signs on a property of more than two surface acres, either residentially zoned or non-residentially zoned, may be of any type and cumulatively shall not exceed sixty-four square feet of total sign area and individually shall not exceed eight feet of lineal height above ground level. No other or additional temporary signs shall be displayed on such property.

(g) In all circumstances, temporary signs and sign structures shall be promptly removed after the event that they are related to has occurred or ended.

10.38.140 Carried signs.

Carried signs and sign structure are allowed in accordance with the following provisions:

(a) A carried sign and sign structure only constitutes a carried sign or sign structure so long as it is hand-held or carried by a person.

(b) A permit is not required for a carried sign or sign structure, but the person carrying the sign or sign structure must comply with all provisions of this chapter.

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(c) Carried signs and sign structures are only allowable in nonresidential zoning districts.

(d) Any carried sign shall not exceed eight square feet in total sign area and shall not exceed eight lineal feet in height while held in place.

(e) Carried signs and sign structures shall conform to the following location standards, restrictions and requirements:

(1) No carried sign or sign structure shall be carried or held within fifteen feet of any driveway or un-signalized intersection when measured from the nearest edge of the curb abutting the roadway or from the edge of the roadway surface if no curb exists.

(2) For locations that have signalized intersections, carried signs and sign structure must remain on the sidewalk.

(3) In no event may a person, whether or not the person is carrying a sign or sign structure, impede or interfere with vehicular traffic or pedestrian traffic.

(4) No carried sign or sign structure is allowed on, in or above any City-owned property or City-operated property other than sidewalks.

(5) No carried sign or sign structure is allowed on, in or above parking stalls, parking aisle, loading lanes and areas, or emergency access lanes and areas.

(6) No carried sign or sign structure is allowed on, in or above driving lanes.

(7) No carried sign or sign structure is allowed on, in or upon any fence, wall, boulder, planter, tree, vegetation, vegetation bed, other sign or sign structure, vehicle, utility facility or any other structure or building.

(8) No carried sign or sign structure is allowed at any location or in any manner that results in physical interference with vehicular traffic or pedestrian traffic.

10.38.150 Directional signs.

(a) On-premises directional signs and sign structures that are viewable from the nearest public right-of-way are allowable as provided in Table 38-1. On premises directional signs may contain both directions and the name and logo of an occupant, business, event, activity or use, provided that such name and logo shall not exceed fifty percent of the total sign area. On premises directional signs and sign structures shall comply with all provisions of this chapter and individually shall not exceed ten square feet in total sign area.

(b) Off-premises directional signs and sign structures are allowable as provided in SMC 10.38.160, but must comply with the following provisions:

(1) Each use located in a zoning district where off-premises directional signs are allowed shall have no more than one associated off-premises directional sign.

(2) Each off-premises directional sign shall only contain directions and shall not exceed thirty-two square feet of total sign area and twenty-five lineal feet in lineal height above ground level.

(3) Each off-premises directional sign shall be permanently installed on, in or above private property.

(4) No more than one off-premises directional sign may be installed on, in or above any lot or parcel.

10.38.160 Off-premises signs and billboards.

(a) New off-premises signs and sign structures are prohibited. Off-premises signs and sign structures existing before July 10, 1979, shall be considered grandfathered and are regulated by SMC 10.38.210.

(b) New billboards are prohibited. Billboards existing before July 10, 1979, shall be considered grandfathered and are regulated by SMC 10.38.210.

(c) Welcome signs and gateway signs shall not be considered off-premises signs or billboards, and thus are exempt from the standards, restrictions and requirements of this section.

10.38.170 Digital signs.

(a) The digital display area of any digital sign shall not exceed the lesser of fifty percent of the total sign area that is allowable as provided in Table 38-2 or fifty square feet.

(b) No more than one digital sign may be installed per each one hundred feet of street frontage.

(c) Digital signs are not allowed in residentially zoned districts.

(d) For EMCs, the difference between the off-message and solid-message measurements using the EMC measurement criteria shall not exceed 0.3 foot-candles at night. Each EMC shall be equipped with a sensor or other technological device that automatically determines the ambient illumination and automatically dims the sign according to such ambient illumination, or that can be adjusted so as to comply with the 0.3 foot-candle measurement.

(e) Digital signs shall not no motion other than the changing of the displayed content.

(f) The minimum duration between alternating display content shall be eight seconds.

10.38.180 Multiple-building complexes and multiple-tenant buildings.

The following provisions shall apply to multiple-building complexes and multiple-tenant buildings located in the B-1 and B-2 zoning districts:

(a) The owner or operator of each multiple-building complex shall be allowed at least one freestanding sign and sign structure for, and located on, each of such complex's street frontages in accordance with Table 38-2.

(b) Whenever a street frontage is longer than three hundred lineal feet but shorter than six hundred lineal feet, the owner or operator of each multiple-building complex shall be allowed two total freestanding signs and sign structures for and located on that particular street frontage or shall be allowed a single, larger freestanding sign and sign structure for and located on that particular street frontage in accordance with Table 38-2.

(c) Whenever a street frontage is longer than six hundred lineal feet, the owner or operator of each multiple-building complex shall be allowed three total freestanding signs and sign structures for and located on that particular street frontage or shall be allowed a single, larger freestanding sign and sign structure for and located on that particular street frontage in accordance with Table 38-2.

(d) Each tenant within a multiple-building complex or multiple-tenant building shall be allowed on freestanding sign and sign structure in accordance with the provisions of this chapter.

(e) No freestanding sign or sign structure shall be placed closer than two hundred feet to any other freestanding sign or sign structure.

(f) Each freestanding sign shall be used to advertise for the occupant, business, event, activity or use that exists or occurs at the property.

10.38.190 Freeway signs.

(a) The purpose of this section is to allow commercial establishments located near the Interstate 82 freeway to potentially utilize a larger on-premises sign than would otherwise be allowed under this chapter.

(b) Freeway signs and sign structures shall be used to advertise for the occupant, business, event, activity or use that exists or occurs at the property, and shall be a Class (3) Use that requires a Class (3) Review.

(c) A freeway sign may be used in addition to or as a substitute for an allowable freestanding sign when there is more than one street frontage at the property and when the occupant, business, event, activity or use either (1) exists or occurs along a particular street frontage, or (2) exists or occurs within one thousand feet of a freeway interchange, or (3) exists or occurs within two hundred feet of a freeway right-of-way.

- (d) Only one freeway sign and sign structure are allowed on any property.
- (e) The allowable maximum height for freeway signs is established in Table 38-3.

10.38.200 Portable signs.

Portable signs, including but not limited to sandwich boards, trailered signs and pole-mounted signs, shall comply with the following provisions:

- (a) Portable signs and sign structures are only allowed in nonresidential zoning districts.
- (b) Portable signs and sign structures must be constructed of durable materials, must be designed to withstand water and wind and if pole-mounted must include a heavy weighted base, otherwise they will constitute temporary signs and will be subject to SMC 10.38.130.
- (c) Portable signs and sign structures shall not be illuminated.
- (d) Portable signs shall not exceed four lineal feet in height and three lineal feet in width. The height measurement shall be measured from ground level to the highest edge or feature of the sign including but not limited to any support structure such as a trailer. The width measurement shall be measured include the full width of the sign and its features including but not limited to any support structure such as a vehicle.
- (e) Only two portable signs and sign structures are allowed for each respective occupant, business, event, activity or use that exists or occurs at the property.
- (f) The cumulative total sign area of all portable signs on any property shall not exceed twenty-four square feet.
- (g) No portable sign or sign structure shall be placed closer than ten lineal feet to the primary structure or building wherein the occupant, business, event, activity or use associated with the sign or sign structure exists or occurs.
- (h) No portable sign or sign structure shall be place further than ten lineal feet from the driveway or access to the property.
- (i) No portable sign or sign structure shall be located on, in or above any City-owned or City-operated property, structure, building or facility including but not limited to utility poles, utility boxes, fences, street signs, traffic signs, sidewalks, rights-of-way, trees, vegetation and vegetation beds.
- (j) Each portable sign shall be used to advertise for the occupant, business, event, activity or use that exists or occurs at the property.

(k) No portable sign or sign structure shall be located in a clear view triangle, nor shall it otherwise obstruct vehicular traffic or pedestrian traffic.

(l) Portable signs shall be displayed solely during business operating hours only.

10.38.210 Legal nonconforming signs, maintenance of signs, removal of signs and enforcement of this chapter.

(a) Signs and sign structures that lawfully existed under all codes and ordinances in effect at the time that this title is enacted or amended may continue to be maintained and operated as a legal nonconforming sign or sign structure so long as it remains otherwise lawful and further provided that:

(1) No sign or sign structure shall be changed in any manner that increases its noncompliance with the provisions of this chapter.

(2) Any sign or sign structure that is structurally altered or physically moved shall void its legal nonconforming status and the sign or sign structure will be required to conform to the provisions of this chapter. However, this section shall not apply to mere changes of the sign's content, normal structural repair or periodic maintenance.

(3) Freestanding signs and sign structures located in the clear view triangle may be modified and allowed to remain provided that in the opinion of the administrative official the modifications will not constitute a vision hazard.

(4) The sign and sign structure are not a hazardous or abandoned sign or sign structure.

(5) The sign and sign structure are not a portable sign or sign structure.

(b) It is unlawful for any owner, lessor, lessee, manager or other person or entity having lawful possession or control over a property, building or structure to fail to maintain any sign or sign structure that exists on, in or about the property, building or structure in accordance with the provisions of this chapter and the zoning provisions of this code. Failure to maintain a sign or sign structure constitutes a violation of this chapter and shall be subject to enforcement under SMC Chapter 21.13.

(c) Any vacant or unused sign or sign structure, including but not limited to support structures, poles and remnants of old signs or sign structures that are not currently in use and not proposed for immediate reuse, shall be removed. In addition to any other remedies, the administrative official shall have the authority to require the owner, lessor, lessee, manager or other person or entity having lawful possession or control over a property to at such person or entity's own expense repair, conduct maintenance on or complete removal of any sign or sign structure that has become dilapidated or that represents a hazard.

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- (d) Violations of this section shall be enforced according to SMC Chapter 21.13.

10.38.220 Administrative adjustment of sign standards allowed.

(a) A comprehensive design plan shall be required whenever administrative adjustment is sought as to one or more standards, restrictions or requirements of this chapter or whenever such is otherwise required as part of a detailed sign plan.

(b) A comprehensive design plan shall include a narrative description and a site plan, consistent with the following provisions:

(1) The narrative description shall explain why the otherwise-applicable standards, restrictions and requirements are not adequate and require adjustment.

(2) The narrative description shall explain how the sign or sign structure relate to other signs and sign structures, the character of the zoning district, neighboring land uses, and the immediate surroundings including but not limited to existing and proposed structures, buildings and uses.

(3) For multiple-building complexes and multiple-tenant buildings, the narrative description shall explain how the total available sign area will be allocated between or among each occupant, business, event, activity or use that exists or occurs at the property.

(4) The site plan shall itemize the physical characteristics of the sign and sign structure, including their respective sizes, heights, shapes, colors, locations and relation to landscaping.

(c) The administrative official shall review the request for administrative adjustment in accordance with the provisions of SMC Chapter 10.30. The administrative official shall deny the request if he or she determines that granting the request would be inconsistent with the character of the zoning district or neighboring land uses, or that it would create visual disharmony. The administrative official shall approve the request if he or she determines that granting the request would be consistent with the character of the zoning district and neighboring land uses, and that it would not create visual disharmony. The administrative official may also conditionally approve the request subject to specific conditions, in order to uphold and accomplish the objectives of this chapter and SMC 10.30.020.

10.38.230 Variances.

Except as allowed by SMC 10.38.220, no reduction of the standards, restrictions and requirements of this chapter is allowed except pursuant to SMC Chapter 10.30.030.

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10.38.240 Violations.

Failure to comply with the provisions of this chapter is a violation and is punishable under SMC Chapter 10.44.

10.38.250 Appeals.

Appeals of decisions made by the City under this chapter shall occur in accordance with SMC Chapter 21.11.

10.38.260 Fees/charges.

The fees and charges for sign permitting, plan checks, inspections and other items or actions that are established to defray the City's administrative processing costs shall be paid in accordance with the adopted fee schedule recited in SMC Chapter 20.04.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ORDAINED this ____ day of April, 2021.

Mayor Sherry Raymond

ATTEST:

Dale Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:

Rob Case, City Attorney