



# SELAH CITY COUNCIL

5:30pm September 28, 2021



Selah City Council  
Regular Meeting  
Tuesday, Sept 28, 2021  
5:30pm  
Via Zoom

Mayor:  
Mayor Pro Tem:  
Council Members:

Sherry Raymond  
Roger Bell  
Russell Carlson  
Jacquie Matson  
Kevin Wickenhagen  
Clifford Peterson  
Suzanne Vargas  
Michael Costello

**CITY OF SELAH**  
115 West Naches Avenue  
Selah, Washington 98942

City Administrator:  
City Attorney:  
Clerk/Treasurer:

Joe Henne  
Rob Case  
Dale Novobielski

## AGENDA

- A. Call to Order –Mayor Raymond
- B. Roll Call
- C. Councilmember Absence – Council Member Costello, Council Member Bell
- D. Pledge of Allegiance
- E. Invocation
- F. Agenda Changes **None**
- G. Public Appearances/Introductions/Presentations
  - 1. Katrina Henkle, Selah Downtown Association – Update
- H. Getting To Know Our Businesses **None**
- I. Communications
  - 1. Oral

The City of Selah is a non-charter code city and we are presently conducting a regular meeting between the Mayor and City Council. A maximum of thirty minutes will be allotted for public comments. Common-sense standards of decorum apply. Comments must be respectful; no profanity or insults are allowed. Comments must pertain to City business and official actions. Constructive criticism of City officials is allowed, but defamation, personal attacks and impertinent assertions are not allowed. Commenters are limited to one comment per meeting and a maximum of two minutes. City staff may disallow or modify any comment that is deemed inappropriate. These standards are subject to revision.

- 2. Written **None**
- J. Proclamations/Announcements **None**
- K. Consent Agenda

All items listed with an asterisk (\*) are considered routine by the City Council and will be enacted by one motion, without discussion. Should any Council Member request that any item of the Consent Agenda be considered separately, that item will be removed from the Consent Agenda and become a part of the regular Agenda.

- Treesa Morales \* 1. Approval of Minutes: September 14, 2021
- Dale Novobielski \* 2. Approval of Claims & Payroll

L. Public Hearings **None**

M. General Business  
 1. New Business **None**

2. Old Business **None**

N. Resolutions

Joe Henne 1. Resolution Authorizing the Mayor to Sign a Contract Labeled “PPC Solutions, Inc. Security Service Agreement”, for Court Security Services

O. Ordinances

- James Lange 1. Ordinance amending the 2021 budget for Fire Department radio system upgrades.
- Dale Novobielski 2. Ordinance amending the 2021 budget for payroll adjustments.
- Dale Novobielski 3. Ordinance amending the 2021 budget for a Wastewater Treatment Plant Facility Plan.
- Dale Novobielski 4. Ordinance Amending the 2021 budget for Crusher Canyon Wastewater Collection System Improvements.
- Rob Case 5. Ordinance adopting a new sign code as Selah Municipal Code Chapter 10.38 (“signs) with an effective date of December 1, 2021, and Fully Repealing and Replacing the Preexisting Sign Code that had been Codified as Chapter 10.38 (“sign regulations”) as of Such Date.

P. Public Appearances **None**

Q. Reports/Announcements

- 1. Departments
- 2. Council Members
- 3. City Administrator
- 4. Boards
- 5. Mayor

R. Executive Session

- 1. 30 Minutes – Litigation RCW 42.30.110(1)(i)

S. Adjournment

Next Meeting: October 12, 2021

Each item on the Council Agenda is covered by an Agenda Item Sheet (AIS)

A yellow AIS indicates an action item.

A blue AIS indicates an information/non-action item.

City of Selah  
**Study Session Minutes**  
September 14, 2021

**Council Members Present:** Kevin Wickenhagen; Jacquie Matson; Suzanne Vargas; Clifford Peterson; Roger Bell; Michael Costello; Russell Carlson

**Staff Members Present:** Joe Henne, City Administrator; Rob Case, City Attorney; Dan Christman, Police Chief; Jeff Peters, Community Development Supervisor; Treesa Morales, Public Records Specialist.

Subject: New Sign Code (currently in draft form)  
Meeting started at 4:30pm

Mayor Raymond opened the meeting and City Attorney Rob Case provided an opening statement, expectations for the meeting, and reminder that the City is currently in a federal lawsuit and some questions may not be answered. Then Attorney Case opened the meeting to both Council and Public comment.

Seeing no members of the public raise their hands, City Attorney Case moved on to council members.

Council Member Carlson asked for clarification regarding South 1st Street.  
City Attorney Case responded.

Public attendee, Amanda Watson submitted the following questions:

1. RE: free standing signs vs. permanent signs; City Attorney Rob Case responded; Community Development Supervisor Peters responded.
2. RE: about protesting – requested clarification if it still allowed; City Attorney Rob Case responded.
3. RE: about portable signs – clarification requested; City Attorney Rob Case responded.
4. RE: about sidewalk chalk – clarification requested; City Attorney Rob Case responded.
5. RE: about the permitting process – clarification requested; City Attorney Rob Case responded.
6. RE: about visibility of new regulations – requested more information regarding FAQ, permitting process, legal parts, requested the City make new laws more visible to the citizens; City Attorney Rob Case responded.

Council Member Matson asked about Section 10.38.080(b)(2) of the new Sign Code Draft  
RE: requiring the owners of signs to obtain permission from property owners.  
City Attorney Rob Case responded.

Council Member Vargas asked about same section 10.38.080(b)(2) also; RE: Business owners having to make the call on allowing signs on public rights of way; Also, asked about section

10.38.140 (pg 22) of the new Sign Code Draft; RE: Carried signs – suggested putting carried signs under exempt sign section.

Council Member Peterson discussed digital signs; RE: containing no motion – PG. 25;  
Community Development Supervisor Peters responded;  
City Attorney Rob Case responded.

Council Member Bell asked about the intent to eliminate signs on the E side of S. 1st because of some language in the new Sign Code Draft;  
City Attorney Rob Case responded;  
Community Development Supervisor Peters responded.

Council Member Carlson asked about section 10.38.180(a) of the new Sign Code Draft; RE: business zoning signs/multi-tenant buildings;  
City Attorney Rob Case responded;  
Community Development Supervisor Peters responded.

Council Member Carlson asked about ‘clear view triangle’ (RE: adding to definitions);  
Community Development Supervisor Peters responded.

Council Member Carlson asked about the ‘welcome sign’ (RE: adding more information);  
City Attorney Rob Case responded.

Council Member Peterson asked about the ‘definition of a window sign’;  
City Attorney Rob Case responded and referenced section 10.38.040(a)(10) of the proposed new Sign Code Draft.

Mayor Raymond asked about mowing and who is responsible;  
City Attorney Rob Case responded and referenced section 10.38.040(7) (pg .18) of the proposed new Sign Code Draft.

Council Member Vargas added to discussion of mowing and who is responsible; Also, discussed pg 10 – RE: intent to regulate holiday décor?;  
City Attorney Rob Case Responded.

City Attorney Rob Case provided a summary of the meeting and a closing statement.

Study Session ended at 5:32pm.

City of Selah  
Council Minutes  
September 14, 2021

Regular Meeting  
Electronically Via Zoom

A. Call to Order Mayor Raymond called the meeting to order at 5:30 pm.

B. Roll Call

Members Present: Kevin Wickenhagen; Jacquie Matson; Suzanne Vargas; Clifford Peterson; Roger Bell; Michael Costello; Russell Carlson

Members Absent: None

Staff Present: Joe Henne, City Administrator; Rob Case, City Attorney; Dan Christman, Police Chief; James Lange, Fire Chief; Mickey Gillie, Deputy Fire Chief; Jeff Peters, Community Development Supervisor; Zack Schab, Recreation Director; Treesa Morales, Public Records Specialist.

C. Councilmember Absence – Motion to Excuse **None**

D. Pledge of Allegiance

Mayor led the Pledge of Allegiance.

E. Invocation

Pastor Katie Hutchinson from Selah Covenant Church gave the prayer.

F. Agenda Changes

Mayor Raymond removed agenda item N-1 from the agenda as it is not ready for discussion.

G. Public Appearances/Introductions/Presentations

1. Katrina Henkle, Selah Downtown Association – Update

Katrina Henkle, Selah Downtown Association (SDA) Executive Director, gave a report on SDA activities: B&O tax seminar, winter festivities, Viking Spirit week.

H. Getting To Know Our Businesses **None**

I. Communications

1. Oral

There were 2 public comments submitted. One comment (submitted by Lester Callahan) was read by Mr. Case.

2. Written **None**
- J. Proclamations/Announcements **None**
- K. Consent Agenda

All items listed with an asterisk (\*) were considered as part of the Consent Agenda.

- \* 1. Approval of Minutes: August 24, 2021 Council Meeting
- \* 2. Approval of Claims and Payroll:

Payroll Checks Nos. 84409 – 84436 for a total of \$551,822.72  
Claim Checks Nos. 176969 – 1777049 for a total of \$267,949.99

**Council Member Peterson moved, and Council Member Bell seconded, approval of the Consent Agenda as read. By a show of hands, approval was unanimous.**

Public Records Specialist, Treesa Morales, read the Consent Agenda.

- L. Public Hearings **None**
- M. General Business
1. New Business **None**
  2. Old Business **None**
- N. Resolutions **None**
- O. Ordinances **None**
- P. Public Appearances **None**
- Q. Reports/Announcements
1. Departments

Fire Chief Lange: Made report.  
Councilmember Carlson commented  
Councilmember Bell commented

Deputy Chief Gillie: No report.

Police Chief Christman: Made report.

Community Development Supervisor Peters: Made report.

Recreation Director Schab: No report.

2. Council Members

Council Member Costello: No report

Council Member Peterson: No report

Council Member Vargas: No report

Council Member Bell: Made report Re: New Law and Justice Center; Pool Levy

Council Member Matson: Report Re: Selah Chamber – Wine Dine and Beyond event.

Council Member Carlson: Report Re: SDA – reminded about the B&O tax seminar on 9/15/21.

Council Member Wickenhagen: No report

3. City Attorney Case – No report

4. City Administrator Henne – Re: Law and Justice Center, Meeting with BDI; WCIA training seminars; Sewer projects; Naches sidewalk project.

5. Boards

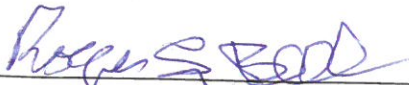
6. Mayor Raymond: reported on how busy the City and staff is right now.

R. Adjournment

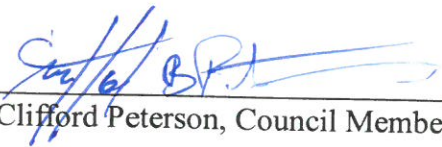
**Council Member Wickenhagen moved, and Council Member Carlson seconded, that the meeting be adjourned. By a show of hands, approval was unanimous.**




The meeting adjourned at 6:09pm.

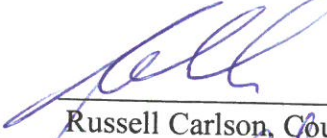
  
\_\_\_\_\_  
Roger Bell, Council Member

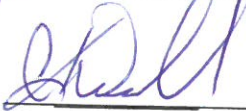
  
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Jacquie Matson, Council Member

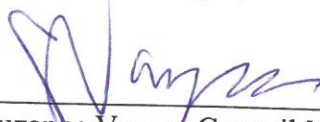
  
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Clifford Peterson, Council Member

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Michael Costello, Council Member

  
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Sherry Raymond, Mayor

  
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Russell Carlson, Council Member

  
\_\_\_\_\_  
Kevin Wickenhagen, Council Member

  
\_\_\_\_\_  
Suzanne Vargas, Council Member

ATTEST:

  
\_\_\_\_\_  
Dale E. Novobielski, Clerk/Treasurer



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



Council Meeting      Action Item

9/28/2021

N-1

**Title:** Resolution Authorizing the Mayor to Sign a Contract Labeled “PPC Solutions, Inc. Security Service Agreement”, for Court Security Services

**From:** Joe Henne, City Administrator

**Action Requested:** Approval

**Staff Recommendation:** To approve the Resolution

**Board/Commission Recommendation:** Not Applicable

**Fiscal Impact:** \$45.00 per hour; expectation of 4 hours per court session (with court sessions held weekly or less frequently); expectation of \$9,360.00 per year

**Funding Source:** 001 (the general fund, though operating costs are somewhat offset by the revenue generated by the municipal court)

**Background / Findings & Facts:** While in session, the City’s municipal court requires an on-duty security officer. Previously, the City used and paid its own police officers – on a rotation – to provide the security services. For various reasons, the City then switched to using and paying Yakima County law officers – again on rotation – to provide the security services. Over the past several months, the arrangement with Yakima County has become increasingly unsatisfactory. There have been multiple instances where Yakima County has been unable to provide an officer, which has then forced the City’s officers – sometimes including the Chief of Police – to scramble their schedules so that coverage can occur. This is disruptive and inefficient, for the City’s police force, the municipal court staff and attorneys, and court attendees. The municipal court staff asked City management to consider contracting with a private security company, just as



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



several other area courts do. The private security company commonly-known as Phoenix Security (and more formally-known as PPC Solutions, Inc.) is willing and able to provide necessary coverage for the City's municipal court. The cost of using Phoenix Security will be roughly equivalent to what the City has been recently paying under its existing arrangement with Yakima County. The proposed contract with Phoenix Security specifies a one-year term (from September 28, 2021 through August 31, 2022), however, the City will have the right to cancel the contract earlier without penalty if it chooses by providing 30-days advance notice. There is no cancellation fee owed to Yakima County for termination of the City's existing arrangement. For these reasons, City management believes that it makes sense to transition to using Phoenix Security.

A copy of the three-page proposed contract (together with four additional introductory pages) is appended hereto.

**Recommended Action/Motion:** I move to approve the Resolution as presented

**Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)**

Date:

Action Taken:

None

None

RESOLUTION NO. 2867

RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT  
LABELED "PPC SOLUTIONS, INC. SECURITY SERVICES AGREEMENT",  
FOR COURT SECURITY SERVICES

WHEREAS, the City operates a municipal court; and

WHEREAS, when the court is in session, it requires an on-duty security guard; and

WHEREAS, the City previously used and paid its own police officers – on rotation – to provide the security services; and

WHEREAS, for various reasons, the City then switched to using and paying Yakima County law officers – again on rotation – to provide the security services; and

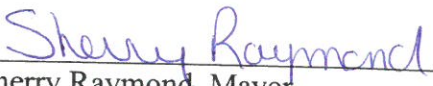
WHEREAS, over the past several months, the arrangement with Yakima County has become increasingly unsatisfactory; and

WHEREAS, the private security company commonly-known as Phoenix Security (and more formally-known as PCC Solutions, Inc.) is willing and able to provide necessary coverage for the City's municipal court; and

WHEREAS, City management has reviewed the terms of a proposed contract with such security company and recommends that the City Council authorize the Mayor to sign such contract;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON that the Mayor is authorized to sign a contract labeled "PPC Solutions, Inc. Security Service Agreement" between the City of Selah and such security company, in the form that was presented to the City Council during today's regular meeting.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 28<sup>th</sup> day of September, 2021.

  
Sherry Raymond, Mayor

ATTEST:

Dale E. Nowobielski Clerk/Treasurer

  
\_\_\_\_\_

APPROVED AS TO FORM:

  
\_\_\_\_\_

Rob Case, City Attorney



**PPC SOLUTIONS, INC.  
SECURITY SERVICE AGREEMENT**

This agreement is entered into between City of Selah, 115 W Naches Ave, Selah, WA 98942, phone: (509)698-7329, email: [joe.henne@selahwa.gov](mailto:joe.henne@selahwa.gov) ("Client") and PPC Solutions, Inc. ("Supplier").

1. **Scope of Service.** Supplier agrees to provide uniformed security services for Client, consistent with operating procedures approved by Client.

Dates of service	October 7, 2021-September 30, 2022
Number of security officer (s)	One (1) Armed Officer
Days of week/Hours of Coverage	0645-1045; 4-hour minimum
Type of Coverage	Uniform Security Officer
Hourly Rate**	\$45.00 per hour, per officer
Site Location	617 S 1 <sup>st</sup> St, Selah, WA 98942
Client Emergency Contact	Joe Henne (509)968-7333
Billing Frequency (Weekly/Semi Monthly or Monthly)	Weekly, Net 10

\*\*Overtime/Holiday Rate. Client will pay for work performed on state or federal holidays (including, but not limited to New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving, and Christmas) at one hundred fifty percent (150%) of the Hourly Rate.

2. **Special Duty Assignment.** In the event Client requests an emergency, extra, or special duty assignment with less than twenty-four (24) hours notice to Supplier, Client will pay one hundred fifty percent (150%) of the Hourly Rate. Client will also pay a minimum of five (5) hours for any emergency, extra, or special duty assignments.

3. **Duration of Agreement.** The term of this Agreement shall be for the "Dates of service." The duration may be extended by mutual written agreement.

4. **Duties of Client.** Client will promptly notify Supplier of any specific work site issues, safety issues, or suspicious activities observed by Client and/or its agents and employees.

5. **Relationship between Supplier and Client.** Supplier is an independent contractor. Supplier and Client are not joint venturers, partners, or principal and agent.

6. **Termination.** Either party may terminate this Agreement upon thirty (30) days' prior written notice to the other party. In the event of nonpayment or untimely payment by Client, Supplier may terminate this Agreement on two (2) days' written notice.

7. **Payment.** Client will pay Supplier within ten days of invoice date. In the event Client fails to pay on time, Client agrees to pay a one point five percent (1.5%) finance charge for each month or portion of month during which invoice is not timely paid. Payment and notices to PPC Solutions, Inc. will be sent first class mail, with proper postage attached to:

PPC Solutions, Inc.  
18303 E Appleway Avenue  
Spokane Valley WA 99016

8. **Insurance.** Supplier will maintain a policy of general liability insurance (with endorsements and/or limitations) with coverage of \$1,000,000 per occurrence and \$2,000,000 aggregate.

9. **Worker's Compensation.** Supplier will maintain Worker's Compensation coverage in accordance with applicable state requirements.

10. **Indemnification.** Supplier agrees to defend, indemnify, and hold harmless Client, its officers, directors, and employees from any and all claims, demands, losses, lawsuits, and other legal proceedings, including without limitation, judgments, for any negligent act or omission of Supplier while on or about Client's property. In no event will Supplier indemnify Client for Client's own negligence, concurrent negligence, or misconduct, or for a criminal act perpetrated by a third party. Client agrees to defend, indemnify, and hold harmless Supplier, its officers, directors, and employees from any and all claims, demands, losses, lawsuits, and other legal proceedings, including without limitation, judgments, for any negligent act or omission of Client on or about Client's property. In no event will Client indemnify Supplier for Supplier's own negligence or misconduct, or for a criminal act perpetrated by a third party. Nothing in this Agreement creates a liability to or a right of indemnification in any third party unless specifically identified in this paragraph. This paragraph shall survive the duration, expiration, or termination of this Agreement.

11. **Warranty Disclaimer.** There are no warranties which extend beyond the description on the face on this Agreement. Supplier disclaims all other express warranties and all implied warranties, including without limitation, any warranty of merchantability and/or fitness for a particular purpose.

12. **Consequential Loss Limitation.** In no event will Supplier be liable for any consequential losses suffered by Client.

13. **No Third Party Beneficiaries.** This Agreement is solely for the benefit of Client and Supplier. This Agreement does not create any third party beneficiaries.

14. Assignment. The rights and obligations of the parties hereto shall insure to the benefit of, be binding upon, and enforceable against, the parties' respective successors and assigns.

15. Integration Clause. This Agreement sets forth the entire agreement between the parties and supersedes all prior written and oral discussions, representations, and/or agreements. Except for paragraph three (duration of service), this Agreement shall only be amended in writing, signed by both Client and Supplier.

16. Counterparts. This Agreement may be signed in more than one counterpart, in which case each counterpart shall constitute an original of this Agreement. Signatures exchanged by facsimile or other electronic transmission shall be deemed to be the same as originals.

17. Choice of Law/Venue. This Agreement shall be governed by the laws of the State of Washington, without reference to Washington's choice of law principles. In the event of any dispute arising out of this Agreement, the parties agree that jurisdiction and venue shall be exclusively in Spokane County, Washington. Client waives any objection to personal jurisdiction in Washington State or to venue in Spokane, Washington.

18. Prevailing Party Attorney Fees. In the event of any dispute arising out this Agreement, the court shall award the substantially prevailing party reasonable attorney fees, all expenses, and all costs, in addition to all other appropriate relief.

\*Client Signature: Sherry Raymond

Print Name: Sherry Raymond

Title: Mayor

Date: 10-5-21

PPC Solutions, Inc.

\*Rep. Signature: Josh Brown

Print Name: Josh Brown

Title: BUSINESS DEVELOPMENT MANAGER

Date: 10/11/21



# PPC SOLUTIONS INC.

## Central Washington Region Chain Of Command Contact

**MOD:** [MOD@phoenixprotectivecorp.com](mailto:MOD@phoenixprotectivecorp.com)

(All email contact need to include MOD)

**Yakima Office:**

(509) 469-8668

**Yakima Office Fax:**

(509) 469-9466

**24-Hour Control Center:**

(866) 523-5096

**Uniform Night/Day Supervisors (Available 24/7):**

(509) 901-0927

### Regional Manager

Will Brooker

[William.Brooker@phoenixprotectivecorp.com](mailto:William.Brooker@phoenixprotectivecorp.com)

Office: (509) 469-8668 ext. 105

Cell: (509) 902-4471

### Patrol Manager

Kely Kincaid

[Kely.Kincaid@phoenixprotectivecorp.com](mailto:Kely.Kincaid@phoenixprotectivecorp.com)

Cell: (509)380-2672

### CWA Trainer

Nigel Carter

[Nigel.Carter@phoenixprotectivecorp.com](mailto:Nigel.Carter@phoenixprotectivecorp.com)

Cell: (509)895-9663

### Business Development Manager

Josh Braun

[Josh.Braun@phoenixprotectivecorp.com](mailto:Josh.Braun@phoenixprotectivecorp.com)

Cell: (509) 319-4835

### CWA Office Manager

Wendy Espinoza

[Wendy.Espinoza@phoenixprotectivecorp.com](mailto:Wendy.Espinoza@phoenixprotectivecorp.com)

Office: (509) 469-8668 ext. 101

### Admin Assistant

Christine Reed

[Christine.Reed@phoenixprotectivecorp.com](mailto:Christine.Reed@phoenixprotectivecorp.com)

Office: (509) 469-8668 ext. 102

### Admin Assistant

Marissa Reyes

[Marissa.Reyes@phoenixprotectivecorp.com](mailto:Marissa.Reyes@phoenixprotectivecorp.com)

Office: (509)469-8668 ext. 103

**All sensitive materials –please email them to;**  
(social security numbers/cards, Copies of DL, Banking information, etc.)

[HR@phoenixprotectivecorp.com](mailto:HR@phoenixprotectivecorp.com).





**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



Council Meeting	Action Item
9/28/2021	O-1

**Title:** ORDINANCE AMENDING THE 2021 BUDGET FOR FIRE DEPARTMENT RADIO SYSTEM UPGRADES

**From:** James Lange, Fire Chief

**Action Requested:** Approval

**Staff Recommendation:**

Approve Ordinance.

**Board/Commission Recommendation:** Approval

**Fiscal Impact:** \$ 142,816 (\$ 152,566 – Rebates \$ 9,750)

**Funding Source:** Fund 150 Fire Equipment Reserve

**Background / Findings & Facts:** The Selah Fire department desires to upgrade its radio system from analog to digital.

**Recommended Motion:** I move to approve an Ordinance amending the 2021 budget for the purchase of replacement mobile and portable radios for the Fire department.

**Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)**

Date:

Action Taken:

9/9/2021

Yakima County Fire District No. 2 Commissioners approved the upgrade of the Fire department's radio system.

ORDINANCE NO. 2130

AN ORDINANCE AMENDING THE 2021 BUDGET FOR FIRE DEPARTMENT RADIO SYSTEM UPGRADES

WHEREAS, the City desires to adjust the 2021 Budget for the purchase of a replacement radio system for the Fire Department;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, does ordain as follows: that the Clerk-Treasurer be authorized to amend the 2021 Budget as follows:

**103 Fire Control**

103.000.022.397.00.00.00 Transfers-In \$ 142,816

103.000.094.594.22.64.00 Machinery & Equipment \$ 142,816

**150 Fire Equipment Reserve**

150.000.097.597.00.01.00 Transfers-Out \$ 142,816

150.000.008.508.10.00.00 New Ending Reserved Cash & Investments \$ 867,782

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 28<sup>th</sup> day of September 2021.

Sherry Raymond  
Sherry Raymond, Mayor

ATTEST:

Dale E. Novobielski  
Dale E. Novobielski, Clerk-Treasurer

APPROVED AS TO FORM:

Rob Case  
Rob Case, City Attorney

ORDINANCE NO. 2130



**CITY OF SELAH**  
***CITY COUNCIL***  
***AGENDA ITEM SUMMARY***



Council Meeting      Action Item  
9/28/2021              O-2

**Title:** ORDINANCE AMENDING THE 2021 BUDGET FOR PAYROLL  
ADJUSTMENTS

**From:** Dale Novobielski, Clerk/Treasurer

**Action Requested:** Approval

**Staff Recommendation:**

Approve Ordinance.

**Board/Commission Recommendation:** Not Applicable

**Fiscal Impact:** \$ 15,868.

**Funding Source:** Fund 001 General (\$ 87,714), Fund 103 Fire Control \$ 54,639, Fund 110 City Street (\$ 284), Fund 111 Street Improv. (\$ 1,137), Fund 119 Transit \$ 13,878, Fund 411 Water \$ 13,185, Fund 415 Sewer \$ 8,127 and Fund 420 Solid Waste \$ 15,174.

**Background / Findings & Facts:** To amend the 2021 budget for the following unanticipated Payroll cost changes: Executive- City Administrator position, Police – 6 officer positions and Leoff I Retiree long term care costs, Fire – Fire Administrative positions and the City Administrator position, and Street/Transit//Water/Sewer/Solid Waste – Change in the City Administrator and Public Works Director positions.

**Recommended Motion:** I move to approve an Ordinance amending the 2021 budget for unanticipated payroll cost changes.



**CITY OF SELAH**  
***CITY COUNCIL***  
***AGENDA ITEM SUMMARY***



**Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)**

**Date:**

**Action Taken:**

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ORDINANCE NO. 2131

AN ORDINANCE AMENDING THE 2021 BUDGET FOR PAYROLL ADJUSTMENTS

WHEREAS, the City desires to approve miscellaneous adjustments to the 2021 Budget;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, does ordain as follows: that the Clerk-Treasurer be authorized to amend the 2021 Budget as follows:

**001 General**

Executive

001.000.013.513.10.11.00	Regular Pay	\$ 27,234
001.000.013.513.10.21.00	Personnel Benefits	4,126

Financial Svcs

001.000.014.521.21.11.00	Regular Pay	8,785
001.000.014.521.21.21.00	Personnel Benefits	1,331

Police

001.000.021.521.20.11.00	Regular Pay	(116,371)
001.000.021.521.20.21.00	Personnel Benefits	(40,469)
001.000.021.521.20.21.02	LEOFF I Retirees	27,650

Non-Departmental

001.000.999.508.80.00.00	New Ending Unreserved Fund Balance	\$ 1,229,160
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**103 Fire Control**

103.000.022.522.20.11.00	Regular Pay	\$ 36,962
103.000.022.522.20.21.00	Personnel Benefits	7,293

103.000.022.522.30.11.00	Regular Pay	1,995
103.000.022.522.30.21.00	Personnel Benefits	1,466

103.000.022.522.45.11.00	Regular Pay	3,990
103.000.022.522.45.21.00	Personnel Benefits	2,933

103.000.999.508.80.00.00	New Ending Unreserved Fund Balance	\$ 1,256,772
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**110 City Street**

110.000.042.542.90.11.00	Regular Pay	\$ (251)
110.000.042.542.90.21.00	Personnel Benefits	(33)

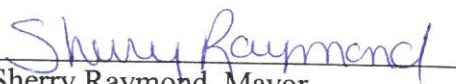
110.000.999.508.10.00.00	New Ending Reserved Fund Balance	\$ 263,041
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**111 Street Improv.**

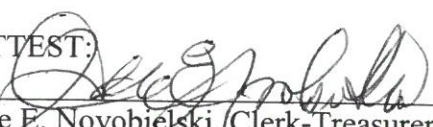
111.000.095.595.30.11.00	Regular Pay	\$ (1,003)
111.000.095.595.30.21.00	Personnel Benefits	(134)

111.000.999.508.10.00.00	New Ending Reserved Fund Balance	\$ 105,531
<b><u>119 Transit</u></b>		
119.000.047.547.60.11.00	Regular Pay	\$ 12,048
119.000.047.547.60.21.00	Personnel Benefits	1,830
119.000.999.508.10.00.00	New Ending Reserved Fund Balance	\$ 413,853
<b><u>411 Water</u></b>		
411.000.034.534.80.11.00	Regular Pay	\$ 11,423
411.000.034.534.80.21.00	Personnel Benefits	1,762
411.000.999.508.80.00.00	New Ending Unreserved Fund Balance	\$ 1,221,830
<b><u>415 Sewer</u></b>		
415.000.035.535.70.11.00	Regular Pay	\$ 2,638
415.000.035.535.70.21.00	Personnel Benefits	431
415.000.035.535.80.11.00	Regular Pay	4,393
415.000.035.535.80.21.00	Personnel Benefits	665
415.000.999.508.80.00.00	New Ending Unreserved Fund Balance	\$ 1,077,505
<b><u>420 Solid Waste</u></b>		
420.000.037.537.80.11.00	Regular Pay	\$ 13,178
420.000.037.537.80.21.00	Personnel Benefits	1,996
420.000.999.508.80.00.00	New Ending Unreserved Fund Balance	\$ 230,167

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH,  
WASHINGTON this 28<sup>th</sup> day of September 2021.

  
Sherry Raymond, Mayor

ATTEST:

  
Dale E. Novobielski, Clerk-Treasurer

APPROVED AS TO FORM:

  
Rob Case, City Attorney

ORDINANCE NO. 2131



**CITY OF SELAH**  
***CITY COUNCIL***  
***AGENDA ITEM SUMMARY***



Council Meeting      Action Item  
9/28/2021              O-3

**Title:** ORDINANCE AMENDING THE 2021 BUDGET FOR A WASTEWATER TREATMENT PLANT FACILITY PLAN

**From:** Dale Novobielski, Clerk/Treasurer

**Action Requested:** Approval

**Staff Recommendation:**

Approve Ordinance.

**Board/Commission Recommendation:** Not Applicable

**Fiscal Impact:** \$ 89,000

**Funding Source:** Fund 415 Sewer

**Background / Findings & Facts:** To amend the 2021 budget for a Wastewater Treatment Plant Facility Plan. City Council approved a Task Order on April 13, 2021.

**Recommended Motion:** I move to approve an Ordinance amending the 2021 budget for a Wastewater Treatment Plant Facility Plan.

**Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)**

Date:

Action Taken:



**CITY OF SELAH**  
***CITY COUNCIL***  
***AGENDA ITEM SUMMARY***



4/13/2021

City Council approved a Task Order with HLA Engineering and Land Surveying, Inc for the preparation of a Wastewater Treatment Plant Facility Plan.

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ORDINANCE NO. 2132

AN ORDINANCE AMENDING THE 2021 BUDGET FOR A WASTEWATER TREATMENT PLANT FACILITY PLAN

WHEREAS, the City desires to adjust the 2021 Budget for the preparation of a Wastewater Treatment Plant Facility Plan;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, does ordain as follows: that the Clerk-Treasurer be authorized to amend the 2021 Budget as follows:

**415 Sewer**

415.000.035.535.80.41.03	WWTP Facility Plan	\$ 89,000
415.000.999.508.80.00.00	New Ending Unreserved Fund Balance	\$ 988,505

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 28<sup>th</sup> day of September 2021.

Sherry Raymond  
Sherry Raymond, Mayor

ATTEST:

Dale E. Novobielski  
Dale E. Novobielski, Clerk-Treasurer

APPROVED AS TO FORM:

Rob Case  
Rob Case, City Attorney

ORDINANCE NO. 2132



**CITY OF SELAH**  
***CITY COUNCIL***  
***AGENDA ITEM SUMMARY***



Council Meeting      Action Item  
9/28/2021              O-4

**Title:** ORDINANCE AMENDING THE 2021 BUDGET FOR CRUSHER CANYON WASTEWATER COLLECTION SYSTEM IMPROVEMENTS

**From:** Dale Novobielski, Clerk/Treasurer

**Action Requested:** Approval

**Staff Recommendation:**

Approve Ordinance.

**Board/Commission Recommendation:** Not Applicable

**Fiscal Impact:** \$ 103,000

**Funding Source:** Fund 465 Sewer Reserve

**Background / Findings & Facts:** To amend the 2021 budget for improvements to the Wastewater Collection System on Crusher Canyon. City Council approved a Task Order with HLA for this project on May 11, 2021.

**Recommended Motion:** I move to approve an Ordinance amending the 2021 budget for improvements to the Wastewater Collection System on Crusher Canyon.

**Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)**

Date:

Action Taken:



**CITY OF SELAH**  
***CITY COUNCIL***  
***AGENDA ITEM SUMMARY***



5/11/2021

City Council approved a Task Order with HLA Engineering and Land Surveying, Inc for Wastewater Collection System improvements on Crusher Canyon.

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ORDINANCE NO. 2133

AN ORDINANCE AMENDING THE 2021 BUDGET FOR CRUSHER CANYON SEWER COLLECTION SYSTEM IMPROVEMENTS

WHEREAS, the City desires to adjust the 2021 Budget for design costs for Sewer collection system improvements on Crusher Canyon;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, does ordain as follows: that the Clerk-Treasurer be authorized to amend the 2021 Budget as follows:

**415 Sewer**

415.000.035.397.00.00.00                      Operating Transfers-In – F465                      \$ 103,000

415.000.094.594.35.65.85                      Crusher Canyon WW Collection System Improv                      \$ 103,000

**465 Sewer Reserve**

465.000.097.597.00.02.00                      Operating Transfers-Out – F-415                      \$ 103,000

465.000.008.508.80.00.00                      New Ending Unreserved Fund Balance                      \$1,283,488

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 28<sup>th</sup> day of September 2021.

Sherry Raymond  
Sherry Raymond, Mayor

ATTEST:  
Dale E. Novobielski  
Dale E. Novobielski, Clerk-Treasurer

APPROVED AS TO FORM:  
Rob Case  
Rob Case, City Attorney

ORDINANCE NO. 2133



CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY



Council Meeting      Action Item  
9/28/2021              O-5

**Title:** Ordinance Adopting a New Sign Code as Selah Municipal Code Chapter 10.38 (“Signs”) with an Effective Date of December 1, 2021, and Fully Repealing and Replacing the Preexisting Sign Code that had been Codified as Chapter 10.38 (“Sign Regulations”) as of Such Date

**From:** Rob Case, City Attorney

**Action Requested:** Approval

**Staff Recommendation:** To approve the Ordinance

**Board/Commission Recommendation:** Approval

**Fiscal Impact:** None

**Funding Source:** N/A

**Background / Findings & Facts:**

The City Needs a New Sign Code. The City’s existing sign code is out of date and has been conceded by the City to be partially unconstitutional. A federal court has issued a Preliminary Injunction that bars the City from seeking to enforce several provisions of the existing sign code. For these reasons, the City needs to codify a new, replacement sign code.

A Proposed New Code has been Developed, and is Recommended by the Planning Commission. During 2021, City staff developed various working drafts of a potential new sign code. A nearly-final draft was presented to the City’s Planning Commission, as the first formal step in the process of potentially codifying a new sign code. The Planning Commission held a study session and multiple public



**CITY OF SELAH  
CITY COUNCIL  
AGENDA ITEM SUMMARY**



hearings regarding that draft, including on the dates of March 16 and April 6, 2021. The Planning Commission considered comments submitted by interested members of the public, posed questions to City staff, requested staff to make certain textual changes, and evaluated the changes that City staff later made. The Planning Commission then substantively deliberated over the then-most-recent draft. Ultimately, the Planning Commission voted – on July 20, 2021 – to recommend that the then-most-recent draft be presented to the City Council for its own substantive deliberations – which is the next formal step in the process of potentially codifying a new sign code. In making that recommendation, the Planning Commission acknowledged that certain textual changes would likely be made to the then-most-recent draft, either by City staff prior to presentation to the City Council and/or by the City Council via motion(s) during its own substantive deliberations. However, the bulk of the then-most-recent draft was not contemplated to change and, for reasons mentioned below, the Planning Commission concluded that the few changes that were contemplated could and should be best addressed by the City Council itself.

The City Council’s Prior Study Session. On September 14, 2021, the City Council held its own study session regarding a potential new sign code. The draft considered during that study session was – as contemplated by the Planning Commission – slightly changed from the latest draft that the Planning Commission had previously considered. The changes were expressly noted via a “redline” copy of the draft (in comparison to the latest draft that had been considered by the Planning Commission). That redline copy and also a “clean” copy of the newest-draft were emailed to each member of the City Council on September 1, 2021, in advance of the forthcoming September 14<sup>th</sup> study session. During the September 14<sup>th</sup> study session, the City Council considered comments submitted by interested members of the public, posed questions to City staff, and the members offered their respective thoughts about additional potential textual changes. It was contemplated that City staff would likely make certain additional textual changes



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prior to scheduling a final draft to the City Council at a later date for consideration of final adoption.

The Pending Federal Litigation. Throughout, the City has been involved in federal litigation with certain members of the public regarding the preexisting sign code. City staff has sought, and received, input from the attorneys representing those individuals as to the various drafts of the potential new sign code. Much of that input has pertained to how the potential new sign code would restrict or not restrict signage on public rights-of-way. Some of the input was received prior to the Planning Commission's study session, and additional input has been received subsequent to the City Council's study session. This was contemplated throughout and is why certain textual changes have continued to occur. City staff has not adopted every change requested by such attorneys, but has adopted many of those requested changes including some that were proposed subsequent to the September 14<sup>th</sup> study session.

The Attached Versions of the New Code. Today, City staff is presenting the City Council with a draft of the proposed new sign code that is appended hereto and marked as follows: Action Item "O-5, Final Draft of New Sign Code Per City Staff". Action Item "O-5" is the draft that City staff is asking the City Council to consider, substantively deliberate on, advance for a final overall adoption vote via a motion and a supporting second and, potentially, to amend via one or more sub-motions and supporting second(s) prior to the final overall adoption vote.

Several additional Action Items are also appended hereto and separately marked.

Action Item "O-5a, Redline Draft of New Sign Code Tracking Textual Changes Made Since September 14<sup>th</sup>" is – as its name suggests – a redline copy that tracks the textual changes that have been made by City staff subsequent to the City Council's September 14<sup>th</sup> study session. Action Item "O-5a" is presented solely for explanatory purposes and is not the draft that City staff is asking the City Council to vote on today.



CITY OF SELAH  
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The redline changes noted on Action Item “O-5a” versus Action Item “O-5” are as follows:

1. In the footer of the document, on each page.
2. On page 2 of the document, in section 10.38.010(b).
3. On page 6 of the document, in section 10.38.020(aa).
4. On page 8 of the document, in section 10.38.030(d).
5. On page 13 of the document, in Table 38-1.
6. On page 14 of the document, in Table 38-2 and Table 38-3.
7. On pages 17-19 of the document, in section 10.38.080(b) and its subparts. *(These are the provisions pertaining to rights-of-way.)*
8. On page 26 of the document, in section 10.38.170(e).
9. On page 31 of the document, in section 10.38.270.

Modifying Sub-Motions are Possible. If the Ordinance and accompanying Action Item “O-5” are advanced for a final vote via a motion and a supporting second, then each member of the City Council will have the opportunity to advance one or more sub-motions seeking to modify the text prior to the final overall adoption vote.

Contemplated Sub-Motions. Based on the September 14<sup>th</sup> study session, City staff contemplates that multiple modification sub-motions seeking to modify certain portions of the text will likely be advanced. In hopes of expediting any such sub-motions and promoting organization and clarity, the following additional Action Items have been appended hereto and marked (in no particular order) as follows:

1. Action Item “O-5c, Potential Amendment to Welcome Sign Definition”. This potential amendment would, if passed, effectuate one substantive change to section 10.38.020(kk) on page 7 of the document. Non-substantive formatting changes, such as pagination, may also occur as a





CITY OF SELAH  
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consequence if this amendment and/or any other amendment(s) occur.

2. Action Item “O-5d, Potential Amendment to Add Definition of Clear View Triangle”. This potential amendment would, if passed, effectuate one substantive change to section 10.38.020(h) on page 3 of the document. It would insert a new definition as SMC 10.38.020(h), and the following already-existing definitions on pages 3 through 7 of the document would also be relabeled accordingly. Additional non-substantive formatting changes, such as pagination, may also occur as a result consequence if this amendment and/or any other amendment(s) occur.
3. Action Item “O-5e, Potential Amendment to Cycle Duration for Digital Signs”. This potential amendment would, if passed, effectuate one substantive change to section 10.38.170(f) on page 25 of the document. However, this Action Item is presented as two pages, corresponding to pages 24 and 25 of the document, so as to provide further necessary context for understanding this potential amendment. Additional, non-substantive formatting changes, such as pagination, may also occur as a consequence if this amendment and/or any other amendment(s) occur.
4. Action Item “O-5f, Potential Amendment to Multi-Building Complex Signs”. This potential amendment would, if passed, effectuate one substantive change to section 10.38.180(b) on page 25 of the document. Non-substantive



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formatting changes, such as pagination, may also occur as a consequence if this amendment and/or any other amendment(s) occur.

5. Action Item “O-5g, Potential Amendment to Make Carried Signs Fully Exempt”. This potential amendment would, if passed, effectuate several substantive changes. It would fully strike section 10.38.140 from pages 22 and 23 of the document, would move “Carried Signs” to a new subsection labeled as SMC 10.38.040(a)(1) on page 9 of the document, would relabel the remaining sub-subsections of SMC 10.38.040(a) on pages 9 through 11 of the document, would also relabel all other subsections from the new SMC 10.38.140 through the end of the document, and would also cause corresponding changes to the document’s outline and in-body references to subsections appearing at and after the new SMC 10.38.140. Accordingly, this Action Item is presented as a full 30-page document. Non-substantive formatting changes, such as pagination, may also occur as a consequence if this amendment and/or any other amendment(s) occur.

Oral Sub-Motions are Also Possible. The members of the City Council may also advance one or more motions orally during the hearing.

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**CITY OF SELAH  
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**Language for Original Motion as to Action Item “O-5”:** I move to approve the Ordinance as presented and thus to approve the version of the sign code labeled as Action Item “O-5, Final Draft of Sign Code Per City Staff”

A supporting second will be required, prior to any substantive debate occurring on the original motion and/or prior to any sub-motion(s) being advanced

**Language for Use on any Sub-Motion(s):** As a sub-motion prior to a final overall adoption vote on the original motion, I move to modify the text of Action Item “O-5” so as to make the:

changes specified in Action Item [O-5c, O-5d, O-5e, O-5f or O-5g]  
or  
following changes that I am hereby proposing orally: \_\_\_\_\_  
\_\_\_\_\_.

Again, a supporting second will be required as to each sub-motion, prior to any substantive debate occurring on each sub-motion.

**Record of all prior actions taken by the City Council and/or a City Board, City Committee, Planning Commission, or the Hearing Examiner (where applicable)**

Date:	Action Taken:
3/16/2021	Study Session by the Planning Commission
4/6/2021	Public Hearing by the Planning Commission
7/20/2021	Planning Commission recommends advancing the proposed new sign code to the City Council



**CITY OF SELAH  
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9/14/2021

Public Hearing by the City Council

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**ORDINANCE NO. 2134**

**ORDINANCE ADOPTING A NEW SIGN CODE AS SELAH MUNICIPAL CODE CHAPTER 10.38 (“SIGNS”) WITH AN EFFECTIVE DATE OF DECEMBER 1, 2021, AND FULLY REPEALING AND REPLACING THE PREEXISTING SIGN CODE THAT HAD BEEN CODIFIED AS CHAPTER 10.38 (“SIGN REGULATIONS”) AS OF SUCH DATE**

WHEREAS, the City’s existing sign code is out of date and has been conceded by the City to be partially unconstitutional and

WHEREAS, a federal court has issued a Preliminary Injunction that bars the City from seeking to enforce several provisions of the existing sign code; and

WHEREAS, for these reasons, the City needs to codify a new, replacement sign code; and

WHEREAS, during 2021, City staff developed various working drafts of a potential new sign code; and

WHEREAS, the City’s Planning Commission held a study session and multiple public hearings regarding those working drafts, including on the dates of March 16 and April 6, 2021; and

WHEREAS, the Planning Commission considered comments submitted by interested members of the public, posed questions to City staff, requested staff to make certain textual changes, and evaluated the changes that City staff later made; and

WHEREAS, the Planning Commission then substantively deliberated over the then-most-recent draft; and

WHEREAS, the Planning Commission ultimately voted – on July 20, 2021 – to recommend that the then-most-recent draft be presented to the City Council for its own substantive deliberations; and

WHEREAS, the City Council held its own study session regarding a potential new sign code on September 14, 2021; and

WHEREAS, City staff made some additional textual changes to the potential new sign code following September 14<sup>th</sup> study session; and

WHEREAS, today a draft marked as Action Item "O-5, Final Draft of New Sign Code Per City Staff" has been presented to the City Council to consider, substantively deliberate on, advance for a final overall adoption vote via a motion and supporting second and, potentially, to amend via one or more sub-motions and supporting second(s) prior to the final overall adoption vote; and

WHEREAS, the City Council has considered, deliberated on and advanced for a final overall adoption vote via a motion and supporting second such Action Item "O-5" and also any advance sub-motion(s); and

WHEREAS, a majority of a valid quorum of the City Council has voted affirmatively, on a final overall adoption vote, to adopt this Ordinance and thus to also codify a new sign code in the form specified during today's hearing;

**NOW THEREFORE BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH:**

1. A new sign code is adopted as Selah Municipal Code Chapter 10.38 ("Signs") effective as of 12:01 a.m., Wednesday, December 1, 2021, in the form specified during today's hearing.
2. The City's preexisting sign code that had been codified as Chapter 10.38 ("Sign Regulations") is fully repealed and replaced as of 12:01 a.m., Wednesday, December 1, 2021.
3. A copy of this Ordinance, including the true and correct copy of the final now-adopted-new sign code, shall be promptly uploaded to the appropriate webpage(s) on the City's own website and shall also otherwise be published and codified.

ORDAINED this 28<sup>th</sup> day of Sept, 2021.

Sherry Raymond  
Sherry Raymond, Mayor

ATTEST:

Dale E. Novobielski  
Dale E. Novobielski, Clerk Treasurer

APPROVED AS TO FORM:

Rob Case  
Rob Case, City Attorney



## Chapter 10.38

### SIGNS

#### Sections:

10.38.010	Intent and interpretation.
10.38.020	Chapter-specific definitions.
10.38.030	Development Permit required.
10.38.035	Land Use Applications.
10.38.040	Exempt signs and non-regulation of chalk on sidewalks.
10.38.050	Prohibited signs.
10.38.060	Sign standards.
10.38.070	General provisions.
10.38.080	Signs projecting over, or placed upon, public rights-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.
10.38.270	Effective date.

#### **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. 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 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 viewpoint-neutral, message-neutral and neutral as to commercial speech, noncommercial speech, political speech and nonpolitical speech.

#### **10.38.020 Chapter-specific definitions.**

The definitions specified in “Appendix A” to title 10 of the Selah Municipal Code apply generally to this chapter, as stated in the “Purpose” thereof. More specifically, the following abbreviations, terms, phrases, words and derivatives shall be construed for purposes of this chapter as specified in this section and the specific definitions specified herein shall override any potentially-conflicting or potentially-inconsistent general definitions specified in said Appendix A.

(a) “Abandoned sign” means any sign or sign structure that is (1) located on property that has been vacant, unoccupied or not lawfully used for a consecutive period of ninety days or longer; or (2) has not been lawfully used for a consecutive period of ninety days or longer; or (3) 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 (4) 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 a designee specified by the Mayor who is a current City employee.

(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 (1) a board or structural component affixed to the outside vertical face of a cornice; or (2) a board or structural component connecting the top of the siding with the bottom of a soffit; or (3) a board or structural component nailed or otherwise affixed across the ends of the rafters at the eaves; or (4) the edge beam of a bridge; or (5) 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 (1) change or alter displayed lumens or light intensity in sudden transitory bursts; or (2) 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 (3) 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 in, on 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) “Marquee” 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 Marquee 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.

(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 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 (and, thus, does not include and is distinct from a “Carried Sign”). 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 content for the commercial use an occupant, business, event, activity, 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 (on the sign or sign structure), 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 made of durable materials shall be a “Permanent sign”. By

contrast, writings and drawings created exclusively by applying water-soluble chalk directly upon a sidewalk or pedestrian walking path (without any physical connection to a sign or sign structure) do not constitute a “Temporary sign” and are not in any way governed by this chapter. See SMC 10.38.040(b).

(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) Application and Review Standards. No sign or sign structure governed by this chapter shall be erected, structurally altered or relocated unless a “Development Permit” has been issued in advance. The City shall make available one or more forms to be used by applicants seeking a Development Permit. Each submitted application for a Development Permit shall be reviewed by City staff for conformance to the standards, restrictions and requirements of

this chapter and all other applicable chapters of the Selah Municipal Code. The viewpoint or message expressed or to be expressed by, on or within the sign or sign structure shall not a subject for review by City staff (because, as stated in SMC 10.38.010(b) and elsewhere, this chapter is intended, and shall be interpreted and enforced, so as to be viewpoint-neutral and message-neutral). The content expressed or to be expressed by, on or within the sign or sign structure (in contrast to viewpoint or message) shall be a subject for review by City staff only to the extent, if any, that such content is or would be violative of this chapter due to a reason other than viewpoint or message (for example, if the content purports to be or confusingly imitates or resembles an official traffic sign, in violation of SMC 10.38.050(b)).

(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.

(d) **Written Decision.** The Administrative Official shall, within a reasonable time, send a written decision to the applicant or applicants. A Development Permit shall be issued if all applicable standards, restrictions and requirements are or will be met. A Development Permit shall not be issued if one or more applicable standards, restrictions or requirements are not or will not be met and if a Variance (pursuant to SMC 10.38.230) has not or will not be granted as to such non-met standards, restrictions or requirements. Whenever the Administrative Official does not issue a Development Permit in response to a submitted application, the written decision shall specify each standard, restriction and requirement that has not been met and explain the reason or reasons for the non-issuance in sufficient detail to enable a potential appeal under SMC 10.38.250 or other applicable law (and, also and alternatively, to enable the applicant or applicants to submit a new or revised application at a later date that addresses whichever standards, restrictions or requirements were not met via the preceding application).

(e) **Appeal.** Any applicant who was not issued a Development Permit may appeal the Administrative Official's written decision under SMC 10.38.250.

### **10.38.035 Land Use Applications.**

The provisions of SMC 21.07.035 ("Signage requirements for certain land use applications") must be met when applicable.

**10.38.040 Exempt signs and non-regulation of chalk on sidewalks.**

(a) 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:

(1) 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.

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

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

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

(5) Any temporary sign or sign structure exclusively located on private land when the owner or owners of the sign and sign structure have obtained express permission from the person, persons, entity or entities owning or controlling a majority interest (*i.e.*, more than fifty percent on a one-hundred percent scale) of the property where the sign and sign structure is located. The owner or owners of the sign and sign structure must continually comply with and fulfill any conditions or restrictions that such majority-interest landowner(s) may impose, and also must immediately and fully remove the sign or sign structure if the majority-interest landowner(s) subsequently revoke any previous grant of permission. The majority-interest landowner(s) are not required to grant permission for any sign or sign structure, and, instead, shall have continual subjective discretion as to whether to grant permission, revoke permission or impose conditions and restrictions as to any grant of permission. The majority-interest landowner(s) may not grant or purport to grant permission that in any degree or way conflicts with the provisions this chapter.

(6) 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:

(A) Emergency signs and warning signs.

(B) Traffic and wayfinding signs.



- (C) Signs required by law to exist.
  - (D) Signs showing the location of public facilities.
- (7) Any flag that is:
- (A) Located on a flagpole in any residential zoning district.
  - (B) Shares the flagpole with no more than one other flag or item irrespective of the zoning district.
  - (C) 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.
  - (D) Located on a flagpole that meets all applicable minimum setback standards for accessory structures. See SMC Chapter 10.38, Table 38-4.
- (8) Memorial signs or tablets, names of buildings, dates of erection and similar items and information, which are incorporated into the building materials and façade.
- (9) Signs in, on 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.
- (10) 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”.
- (11) Portable signs and freestanding signs that meet the requirements of SMC 10.38.110, as well as any other applicable provision of this chapter.
- (12) Seasonal and holiday decorations, including any illumination, located on residential property for a period of time not exceeding sixty days.
- (b) A writing or drawing created exclusively by applying water-soluble chalk directly upon a public sidewalk or pedestrian walking path (without any physical connection to a sign or

sign structure) does not constitute a “sign” or “sign structure” and is not in any way governed by this chapter.

#### **10.38.050 Prohibited signs.**

The following signs and sign structures are prohibited:

- (a) Any sign or sign structure located in, on 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 or confusingly imitating or 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, structure, building, facility, vehicle or equipment owned by any government or public agency, or placed on any tree or live vegetation (other than grass) 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							
	Roof	Not Allowed			Class (1) Use			
	Permanent Freestanding	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			Class (3) Use See SMC 10.38.150			
	Freeway				Not Allowed		Not Allowed	
Off-Premises Signs Including Billboards					Not Allowed			Not Allowed
NUMBER OF SIGNS ALLOWED								
On-Premises Signs	Nameplate	1 per Dwelling or Business						
	Subdivision Identification/Use Identification	1 per Street Frontage			1 per Street Frontage			
	Permanent Freestanding	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							

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SIGN TYPE	ZONING DISTRICTS						
	LDSF	R-1	R-2	R-3	B-1	B-2	M-1
Digital Signs	See SMC 10.38.135						
Portable Signs	See SMC 10.38.200						

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			
Residential Districts		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
<b>LDSF, R-1, R-2, and R-3</b>		Nameplates up to 2 sq. ft. and subdivision/project identification up to 32 sq. ft.			NOT PERMITTED
<b>Commercial &amp; Industrial Districts</b>					
<b>B-1</b>	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>B-2</b>	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.		
<b>M-1</b>		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					
<b>MAXIMUM SIGN AREA OF OTHER SIGN TYPES THAT ARE BASED ON OTHER CRITERIA</b>					
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 10.38.200			

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**Table 38-3. Sign Height and Setbacks**

SIGN STANDARDS		ZONING DISTRICTS						
		LDSF	R-1	R-2	R-3	B-1	B-2	M-1
<b>MAXIMUM SIGN HEIGHT</b>								
Permanent Freestanding	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 Allowed			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.			
<b>SETBACKS</b>								
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)						
<b>SIGN HEIGHT AND SETBACKS FOR SIGNS TYPES THAT ARE BASED ON OTHER CRITERIA</b>								
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 10.38.200							

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 (including, but not limited to, carried 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 that fully or partially rises higher than twenty-four inches above the centerline grades of intersecting streets and/or railroads 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" and materials substantially similar thereto. 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, pedestrian walking paths, trees and live vegetation (but not including grass, vegetation bed locations without live vegetation or bare ground locations in, on or upon a City-owned right-of-way, which are separately regulated by SMC 10.38.080(b)). Any sign or sign

structure that violates this provision may be removed and permanently disposed of by the City without any compensation or relief to the owner or owners of the sign or sign structure.

**10.38.080 Signs projecting over, or placed upon, public rights-of-way.**

(a) Signs and sign structures, including but not limited to freestanding signs and sign structures, that project over any public right-of-way without being physically connected to the right-of-way (*i.e.*, those that hang or extend over a right-of-way, rather than those that are installed on the ground in the right-of-way) shall comply with the general provisions of this chapter and also the following specific provisions:

(1) Prior to erecting the sign or sign structure, the owner or owners of the sign and sign structure must obtain a “Right-of-Way Use Permit” in advance. The City shall make available one or more forms to be used by applicants seeking a Right-of-Way Use Permit. The owner or owners of the sign and sign structure must continually comply with and fulfill the terms and conditions of an issued Right-of-Way Use Permit at all times, and also must immediately and fully remove the sign or sign structure if the Right-of-Way Use Permit expires, lapses or is otherwise terminated.

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

(3) The sign and sign structure shall not project within two feet of the curb line and shall also conform to the following maximum projection standards:

<b>Clearance Above Grade</b>	<b>Maximum Projection</b>
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

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

(5) No sign or sign structure shall obstruct or impair access to a public sidewalk, pedestrian walking path, public or private street or driveway, traffic control

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signal, bus stop, fire hydrant, bench or any type of street furniture, or otherwise create a hazard.

(b) Signs and sign structures, including but not limited to freestanding signs and sign structures, that are installed in, on or upon a public right-of-way (*i.e.*, those that are installed on the ground in the right-of-way, rather than those that hang or extend over a right-of-way without being physically connected to the right-of-way) shall comply with the general provisions of this chapter and also the following specific provisions:

(1) For public rights-of-way along Jim Clements Way, North Wenas Avenue, North First Street and South First Street, signs and sign structures may be installed in, on or upon a public right-of-way without any necessity of seeking or obtaining permission from the City. The City does not have any option to potentially disallow all or certain signs or signs structures (that otherwise comply with this chapter) from being installed in, on or upon such specific location(s). This chapter does not give any property owner(s) any option to potentially disallow all or certain signs or sign structures (that otherwise comply with this chapter) from being installed in, on or upon such specific location(s).]

(A) In order to enable routine maintenance efforts by the City, the owner or owners of signs and sign structures shall remove their signs and sign structures, and also shall not install or reinstall signs or signs structures, according to the following schedules:

(i) For public rights-of-way along Jim Clements Way and North Wenas Avenue, all signs and sign structures must be removed by 6:00 a.m. each Wednesday and must not be installed or reinstalled between 6:00 a.m. and 2:00 p.m. each Wednesday.

(ii) For public rights-of-way along North First Street and South First Street, all signs and sign structures must be removed by 6:00 a.m. each Thursday and must not be installed or reinstalled between 6:00 a.m. and 2:00 p.m. each Thursday.

(b) City agents and employees may remove any sign or sign structure that exists in, on or upon a public right-of-way in violation of the schedules established by SMC 10.38.080(b)(1)(A)(i) or (ii). City agents and employees shall endeavor, to the extent possible, to not damage or destroy any sign or sign structure while removing it. City agents and employees shall have no obligation or duty to reinstall any sign or sign structure that is or has been removed pursuant to this subsection. Each sign and sign structure that is or has been removed pursuant to this subsection shall be held at the Public Works Department for the duration specified in SMC 10.38.080(b)(8) pending potential retrieval by someone claiming ownership.



(2) For public rights-of-way along or at any other location(s) other than those specified in SMC 10.38.080(b)(1), signs and sign structures may not be installed in, on or upon a public right-of-way.

(3) No sign or sign structure shall be placed in, on or upon any vehicular traffic travel lane, roadway, road shoulder, road median, road roundabout or other right-of-way location or area that is not legally and safely accessible by a sidewalk or pedestrian walking path.

(4) No sign or sign structure shall be placed in, on or upon any sidewalk or pedestrian walking path. Instead, signs and sign structures shall be installed in, on or upon the grass, vegetation bed locations without live vegetation or bare ground when they are installed in, on or upon a public right-of-way.

(5) No sign or sign structure shall obstruct or impair access to a public sidewalk, pedestrian walking path, public or private street or driveway, traffic control signal, bus stop, fire hydrant, bench or any type of street furniture, or otherwise create a hazard.

(6) No sign or sign structure shall materially obstruct or impair access to any property, building, structure, facility or parked vehicle.

(7) City agents and employees may, to the extent necessary, temporarily remove signs and sign structures for any duration on any date or dates in order to clean or otherwise maintain a public right-of-way or any other property or location. City agents and employees shall endeavor, to the extent possible, to not damage or destroy any sign or sign structure while removing it. City agents and employees shall, to the extent possible, reinstall the signs and sign structures that are or were removed pursuant to this subsection at the same location or a substantially similar nearby location after the work is complete. If any sign or sign structure that is or was removed pursuant to this subsection cannot be so reinstalled for any reason, it shall be held at the Public Works Department for the duration specified in SMC 10.38.080(b)(8) pending potential retrieval by someone claiming ownership.

(8) The deadline to physically retrieve any sign or sign structure that the City removed from any public right-of-way for any reason is 5:00 p.m. on the second Friday after the date that the sign or sign structure was removed by the City. The City shall have no obligation to notify or seek out a putative owner, nor any obligation to confirm that a professed owner is in fact a true owner, of any sign or sign structure. The City will relinquish a sign or sign structure to the first person who appears at the Public Works Department and credibly professes ownership. No person or entity shall be entitled to any compensation or relief if a City agent or employee unavoidably damages or destroys a sign or sign structure while removing it, nor if the City disposes of a non-retrieved sign or sign structure after the applicable retrieval deadline has expired, nor if the City

relinquishes a sign or sign structure to a person or entity who falsely professed ownership.

**10.38.090 Sign illumination.**

(a) In General. No non-exempt temporary sign, 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. (See SMC 10.38.040(l) as to the exemption for seasonal and holiday decorations located on residential property.)

(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) Marquee 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 made 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 the area of the fascia board to which it is attached.

(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 or driveway, nor shall any sign or sign structure that fully or partially rises higher than twenty-four inches above the centerline grades of intersecting streets and/or railroads be placed in the clear view triangle of any roadway, driveway or curb cut as established in SMC 10.08.030.

(b) No temporary sign or sign structure may be placed in, on 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, trees and live vegetation (but not including grass, vegetation bed locations without live vegetation and bare ground located in, on or upon a City-owned right-of-way, which are separately addressed by SMC 10.38.080(b)), 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 or 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) Carried signs and sign structures shall not exceed eight square feet in total 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 by a stationary or semi-stationary person standing, sitting or otherwise located 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, people carrying or holding carried signs or sign structures must remain in, on and upon a sidewalk, pedestrian walking path or crosswalk.

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

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

(5) No carried sign or sign structure is allowed in, on or above driving lanes except when such sign or sign structure is being carried or held by a person lawfully crossing the roadway at an intersection.

(6) No carried sign or sign structure is allowed to be placed in, on or upon any fence, wall, boulder, planter, tree, grass, live vegetation or vegetation bed (including but not limited to grass, vegetation bed locations without live vegetation and bare ground located in, on or upon a City-owned right-of-way), or in, on or upon any other sign or sign structure, vehicle, utility facility or any other structure or building. However, a person may carry or hold a carried sign or sign structure while the person is lawfully standing, sitting, walking or otherwise in, on or upon a City-owned right-of-way. (The placement of signs or sign structures in, on or upon City-owned rights-of-way is separately regulated by SMC 10.38.080(b)).

(7) 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 in, on or above private property.

(4) No more than one off-premises directional sign may be installed in, on 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 include or utilize any 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 in, on 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, grass, live 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 obstruct vehicular traffic or pedestrian traffic, nor fully or partially rise higher than twenty-four inches above the centerline grades of intersecting streets and/or railroads in the clear view triangle of any roadway, driveway or curb cut as established in SMC 10.08.030.

(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 in, on 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.

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

**10.38.220 Administrative Adjustment of sign standards allowed.**

(a) Administrative Adjustment of sign standards were previously prohibited by SMC 10.30.020(a) and 10.30.020(d)(3). However, immediately prior to the instant revised sign code being adopted, the City separately amended SMC 10.30.020(a) and 10.30.020(d)(3) so as to remove such prohibition. Thus, Administrative Adjustment of the standards, restrictions and requirements applicable to signs and sign structures is now allowed.

(b) 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.

(c) 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.

(d) No requestor shall have any entitlement to an Administrative Adjustment. The City shall make available one or more forms to be used by requestors seeking an Administrative Adjustment. Each submitted request for an Administrative Adjustment shall be reviewed by the Administrative Official in accordance with the procedures, review criteria and authority of SMC 10.30.020.

(e) **Written Decision.** The Administrative Official shall process the requestor's request for an Administrative Adjustment in accordance with SMC 10.30.020, SMC Chapter 21.05 and WAC 365-196-850, and shall issue a written decision to the requestor or requestors. The Administrative Adjustment shall be granted only if the Administrative Official determines that granting the request will not be materially disruptive, adverse or conflicting with or to neighboring land uses, the zoning district as a whole or the overall intent and purpose of this chapter. The Administrative Adjustment shall be not granted if the Administrative Official determines that granting the request will be materially disruptive, adverse or conflicting with or to neighboring land uses, the zoning district as a whole or the overall intent and purpose of this chapter. The Administrative Official may also conditionally approve the request subject to specific conditions, in order to uphold and accomplish the overall intent and purpose of this chapter and SMC 10.30.020. Whenever the Administrative Official does not grant an Administrative Adjustment in response to a submitted request, the written decision shall explain the reason or reasons for the non-grant in sufficient detail to enable a potential appeal under SMC 10.38.250 or other applicable law.

(f) **Appeal.** Any requestor who was not granted Administrative Adjustment may appeal the Administrative Official's written decision under SMC 10.38.250.

**10.38.230 Variances.**

Except as allowed by SMC 10.38.220 (“Administrative Adjustment”), the only method for a party to potentially obtain any reduction of the standards, restrictions and requirements of this chapter is for the party to seek and obtain a Variance from the City’s Planning Commission pursuant to SMC Chapter 10.30.030. No party shall have any entitlement to a Variance. The City shall make available one or more forms to be used by requestors seeking a Variance. Each submitted request for a Variance shall be reviewed by the City’s Planning Commission in accordance with the procedures, review criteria and authority of SMC 10.30.030.

**10.38.240 Violations.**

Failure to comply with the provisions of this chapter is a violation and is punishable under SMC 10.44.020 and Chapter 21.13.

**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.

**10.38.270 Effective date.**

This chapter shall and does become binding and effective, and the City’s previous Chapter 10.38 (“Sign Regulations”) shall be and is repealed and abrogated, as of 12:01 a.m., Wednesday, December 1, 2021.



## Chapter 10.38

### SIGNS

#### Sections:

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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.
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10.38.240	Violations.
10.38.250	Appeals.
10.38.260	Fees/charges.
10.38.270	Effective date.

#### **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. 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 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 viewpoint-neutral, message-neutral and neutral as to commercial speech, noncommercial speech, political speech and nonpolitical speech. ~~The content of a sign or sign structure (in contrast to viewpoint or message) shall be regulated by this chapter only to the extent, if any, that such content does or might violate a provision of this chapter (for example, if the content purports to be or confusingly imitates or resembles an official traffic sign, in violation of SMC 10.38.050(b)).~~

#### **10.38.020 Chapter-specific definitions.**

The definitions specified in “Appendix A” to title 10 of the Selah Municipal Code apply generally to this chapter, as stated in the “Purpose” thereof. More specifically, the following abbreviations, terms, phrases, words and derivatives shall be construed for purposes of this chapter as specified in this section and the specific definitions specified herein shall override any potentially-conflicting or potentially-inconsistent general definitions specified in said Appendix A.



(a) “Abandoned sign” means any sign or sign structure that is (1) located on property that has been vacant, unoccupied or not lawfully used for a consecutive period of ninety days or longer; or (2) has not been lawfully used for a consecutive period of ninety days or longer; or (3) 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 (4) 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 a designee specified by the Mayor who is a current City employee.

(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 (1) a board or structural component affixed to the outside vertical face of a cornice; or (2) a board or structural component connecting the top of the siding with the bottom of a soffit; or (3) a board or structural component nailed or otherwise affixed across the ends of the rafters at the eaves; or (4) the edge beam of a bridge; or (5) 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 (1) change or alter displayed lumens or light intensity in sudden transitory bursts; or (2) 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 (3) 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 in, on 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) “Marquee” 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 Marquee 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.

(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 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 (and, thus, does not include and is distinct from a “Carried

Sign”). 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 the commercial use of 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 (on the sign or sign structure), 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 made of durable materials shall be a "Permanent sign". By contrast, writings and drawings created exclusively by applying water-soluble chalk directly upon a sidewalk or pedestrian walking path (without any physical connection to a sign or sign structure) do not constitute a "Temporary sign" and are not in any way governed by this chapter. See SMC 10.38.040(b).

(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) Application and Review Standards. No sign or sign structure governed by this chapter shall be erected, structurally altered or relocated unless a "Development Permit" has been issued in advance. The City shall make available one or more forms to be used by applicants seeking a Development Permit. Each submitted application for a Development Permit shall be reviewed by City staff for conformance to the standards, restrictions and requirements of this chapter and all other applicable chapters of the Selah Municipal Code. The viewpoint or message expressed or to be expressed by, on or within the sign or sign structure shall not a subject for review by City staff (because, as stated in SMC 10.38.010(b) and elsewhere, this chapter is intended, and shall be interpreted and enforced, so as to be viewpoint-neutral and message-neutral). The content expressed or to be expressed by, on or within the sign or sign structure (in contrast to viewpoint or message) shall be a subject for review by City staff only to the extent, if any, that such content is or would be violative of this chapter due to a reason other than viewpoint or message (for example, if the content purports to be or confusingly imitates or resembles an official traffic sign, in violation of SMC 10.38.050(b)).

(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.

(d) Written Decision. The Administrative Official shall, within a reasonable time, send a written decision to the applicant or applicants. A Development Permit shall be issued if all applicable standards, restrictions and requirements are or will be met. A Development Permit shall not be issued if one or more applicable standards, restrictions or requirements are not or will not be met and if a Variance (pursuant to SMC 10.38.230) has not or will not be granted as to such non-met standards, restrictions or requirements. Whenever the Administrative Official does not issue a Development Permit in response to a submitted application, the written decision shall specify each standard, restriction and requirement that has not been met and explain the reason or reasons for the non-issuance in sufficient detail to enable a potential appeal under SMC 10.38.250 or other applicable law (and, also and alternatively, to enable the applicant or applicants to submit a new or revised application at a later date that addresses whichever standards, restrictions or requirements were not met via the preceding application).

(e) Appeal. Any applicant who was not issued a Development Permit may appeal the Administrative Official's written decision under SMC 10.38.250.

### **10.38.035 Land Use Applications.**

The provisions of SMC 21.07.035 ("Signage requirements for certain land use applications") must be met when applicable.

### **10.38.040 Exempt signs and non-regulation of chalk on sidewalks.**

(a) 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:

(1) 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.

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

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

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

(5) Any temporary sign or sign structure exclusively located on private land when the owner or owners of the sign and sign structure have obtained express permission from the person, persons, entity or entities owning or controlling a majority interest (*i.e.*, more than fifty percent on a one-hundred percent scale) of the property where the sign and sign structure is located. The owner or owners of the sign and sign structure must continually comply with and fulfill any conditions or restrictions that such majority-interest landowner(s) may impose, and also must immediately and fully remove the sign or sign structure if the majority-interest landowner(s) subsequently revoke any previous grant of permission. The majority-interest landowner(s) are not required to grant permission for any sign or sign structure, and, instead, shall have continual subjective discretion as to whether to grant permission, revoke permission or impose conditions and restrictions as to any grant of permission. The majority-interest landowner(s) may not grant or purport to grant permission that in any degree or way conflicts with the provisions this chapter.

(6) 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:

- (A) Emergency signs and warning signs.
- (B) Traffic and wayfinding signs.
- (C) Signs required by law to exist.
- (D) Signs showing the location of public facilities.

(7) Any flag that is:

- (A) Located on a flagpole in any residential zoning district.
- (B) Shares the flagpole with no more than one other flag or item irrespective of the zoning district.
- (C) 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.
- (D) Located on a flagpole that meets all applicable minimum setback standards for accessory structures. See SMC Chapter 10.38, Table 38-4.

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

(9) Signs in, on 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.

(10) 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”.

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

(12) Seasonal and holiday decorations, including any illumination, located on residential property for a period of time not exceeding sixty days.

(b) A writing or drawing created exclusively by applying water-soluble chalk directly upon a public sidewalk or pedestrian walking path (without any physical connection to a sign or sign structure) does not constitute a “sign” or “sign structure” and is not in any way governed by this chapter.

#### **10.38.050 Prohibited signs.**

The following signs and sign structures are prohibited:

(a) Any sign or sign structure located in, on 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 or confusingly imitating or 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, structure, building, facility, vehicle or equipment owned by any government or public agency, or placed on any tree or live vegetation (other than grass) 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
ALLOWED SIGNS							
On-Premises Signs	Nameplate	Permitted as an Accessory Use to an Approved or Existing Use					
	Subdivision Identification/Project Identification						
	Roof	Not Allowed		Class (1) Use			
	Permanent Freestanding	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		Class (3) Use See SMC 10.38.150			
	Freeway			Not Allowed	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	1 per Street Frontage			1 per Street Frontage		
	Permanent Freestanding						
	Projecting	Not Allowed					

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SIGN TYPE	ZONING DISTRICTS						
	LDSF	R-1	R-2	R-3	B-1	B-2	M-1
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 10.38.200+55						

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			
Residential Districts		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
<b>LDSF, R-1, R-2, and R-3</b>		Nameplates up to 2 sq. ft. and subdivision/project identification up to 32 sq. ft.			NOT PERMITTED
<b>Commercial &amp; Industrial Districts</b>					
<b>B-1</b>	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>B-2</b>	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.		
<b>M-1</b>		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.		

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MAXIMUM AREA PER SIGN = 2 TIMES THE MAXIMUM AREA PER SIGN FACE	
<b>MAXIMUM SIGN AREA OF OTHER SIGN TYPES THAT ARE BASED ON OTHER CRITERIA</b>	
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 10.38.200+55

**Table 38-3. Sign Height and Setbacks**

SIGN STANDARDS		ZONING DISTRICTS						
		LDSF	R-1	R-2	R-3	B-1	B-2	M-1
<b>MAXIMUM SIGN HEIGHT</b>								
Permanent Freestanding	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 Allowed			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.			
<b>SETBACKS</b>								
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)						
<b>SIGN HEIGHT AND SETBACKS FOR SIGNS TYPES THAT ARE BASED ON OTHER CRITERIA</b>								
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 10.38.200+55							

Notes:

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

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**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 (including, but not limited to, carried 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 that fully or partially rises higher than twenty-four inches above the centerline grades of intersecting streets and/or railroads shall be placed in the clear view triangle of any roadway, driveway or curb cut as established in SMC 10.08.030.

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(i) The construction of temporary signs and sign structures is limited to the materials described in the definition of “Temporary sign” and materials substantially similar thereto. 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, pedestrian walking paths, trees and live vegetation (but not including grass, vegetation bed locations without live vegetation or bare ground locations in, on or upon a City-owned right-of-way, which are separately regulated by SMC 10.38.080(b)). Any sign or sign structure that violates this provision may be removed and permanently disposed of by the City without any compensation or relief to the owner or owners of the sign or sign structure.

**10.38.080 Signs projecting over, or placed upon, public rights-of-way.**

(a) Signs and sign structures, including but not limited to freestanding signs and sign structures, that project over any public right-of-way without being physically connected to the right-of-way (*i.e.*, those that hang or extend over a right-of-way, rather than those that are installed on the ground in the right-of-way) shall comply with the general provisions of this chapter and also the following specific provisions:

(1) Prior to erecting the sign or sign structure, the owner or owners of the sign and sign structure must obtain a “Right-of-Way Use Permit” in advance. The City shall make available one or more forms to be used by applicants seeking a Right-of-Way Use Permit. The owner or owners of the sign and sign structure must continually comply with and fulfill the terms and conditions of an issued Right-of-Way Use Permit at all times, and also must immediately and fully remove the sign or sign structure if the Right-of-Way Use Permit expires, lapses or is otherwise terminated.

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

(3) The sign and sign structure shall not project within two feet of the curb line and shall also conform to the following maximum projection standards:

<b>Clearance Above Grade</b>	<b>Maximum Projection</b>
Less than 8 feet	Not allowed
8 feet to 9 feet	1 foot
9 feet to 10 feet	2 feet

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

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

(5) No sign or sign structure shall obstruct or impair access to a public sidewalk, pedestrian walking path, public or private street or driveway, traffic control signal, bus stop, fire hydrant, bench or any type of street furniture, or otherwise create a hazard.

(b) Signs and sign structures, including but not limited to freestanding signs and sign structures, that are installed in, on or upon a public right-of-way (*i.e.*, those that are installed on the ground in the right-of-way, rather than those that hang or extend over a right-of-way without being physically connected to the right-of-way) shall comply with the general provisions of this chapter and also the following specific provisions:

(1) For public rights-of-way Aalong Jim Clements Way, North Wenas Avenue, North First Street and South First Street, signs and sign structures may be installed in, on or upon the a public right-of-way without any necessity of seeking or obtaining permission from the City or from the owner or owners of any abutting, adjacent or nearby property or properties. Neither tThe City nor any property owner(s)does not have any option to potentially disallow all or certain signs or signs structures (that otherwise comply with this chapter) from being installed in, on or upon such specific location(s). This chapter does not give any property owner(s) any option to potentially disallow all or certain signs or sign structures (that otherwise comply with this chapter) from being installed in, on or upon such specific location(s).]

(A) In order to enable routine maintenance efforts by the City, the owner or owners of signs and sign structures shall remove their signs and sign structures, and also shall not install or reinstall signs or signs structures, according to the following schedules:

(i) For public rights-of-way along Jim Clements Way and North Wenas Avenue, all signs and sign structures must be removed by 6:00 a.m. each Wednesday and must not be installed or reinstalled between 6:00 a.m. and 2:00 p.m. each Wednesday.

(ii) For public rights-of-way along North First Street and South First Street, all signs and sign structures must be removed by 6:00 a.m. each Thursday and must not be installed or reinstalled between 6:00 a.m. and 2:00 p.m. each Thursday.

(b) City agents and employees may remove any sign or sign structure that exists in, on or upon a public right-of-way in violation of the schedules established by SMC 10.38.080(b)(1)(A)(i) or (ii). City agents and employees shall endeavor, to the extent possible, to not damage or destroy any sign or sign structure while removing it. City agents and employees shall have no obligation or duty to reinstall any sign or sign structure that is or has been removed pursuant to this subsection. Each sign and sign structure that is or has been removed pursuant to this subsection shall be held at the Public Works Department for the duration specified in SMC 10.38.080(b)(8) pending potential retrieval by someone claiming ownership.

~~(2) At all other locations, including but not limited to along Jim Clements Way and North Wenas Avenue, prior to installing a sign or sign structure in, on or upon a public right of way, the owner or owners of the sign and sign structure must obtain express permission from the person, persons, entity or entities owning or controlling a majority interest (i.e., more than fifty percent on a one hundred percent scale) of the real estate lot or parcel that abuts, is adjacent to or is nearest to the specific location or area in the right of way where the sign or sign structure will be installed. The owner or owners of the sign and sign structure must continually comply with and fulfill any conditions or restrictions that such majority interest landowner(s) may impose, and also must immediately and fully remove the sign or sign structure if the majority interest landowner(s) subsequently revoke any previous grant of permission. The majority interest landowner(s) are not required to grant permission for any sign or sign structure, and, instead, shall have continual subjective discretion as to whether to grant permission, revoke permission or impose conditions and restrictions as to any grant of permission. The majority interest landowner(s) may not grant or purport to grant permission that in any degree or way conflicts with the provisions this chapter. For public rights-of-way along or at any other location(s) other than those specified in SMC 10.38.080(b)(1), signs and sign structures may not be installed in, on or upon a public right-of-way.~~

(3) No sign or sign structure shall be placed in, on or upon any vehicular traffic travel lane, roadway, road shoulder, road median, road roundabout or other right-of-way location or area that is not legally and safely accessible by a sidewalk or pedestrian walking path.

(4) No sign or sign structure shall be placed in, on or upon any sidewalk or pedestrian walking path. Instead, signs and sign structures shall be installed in, on or upon the grass, vegetation bed locations without live vegetation or bare ground when they are installed in, on or upon a public right-of-way.



(5) No sign or sign structure shall obstruct or impair access to a public sidewalk, pedestrian walking path, public or private street or driveway, traffic control signal, bus stop, fire hydrant, bench or any type of street furniture, or otherwise create a hazard.

(6) No sign or sign structure shall materially obstruct or impair access to any property, building, structure, facility or parked vehicle.

~~(7) — Each Thursday, in order to enable routine maintenance efforts by the City, the owner or owners of signs and sign structures shall remove their signs and sign structures from all public rights-of-way no later than 6:00 a.m. and also shall not install or reinstall signs or signs structures on any public right-of-way between 6:00 a.m. and 2:00 p.m.~~

(87) City agents and employees may, to the extent necessary, temporarily remove signs and sign structures for any duration on any date or dates in order to clean or otherwise maintain a public right-of-way or any other property or location. City agents and employees shall endeavor, to the extent possible, to not damage or destroy any sign or sign structure while removing it. City agents and employees shall, to the extent possible, reinstall the signs and sign structures that are or were removed pursuant to this subsection at the same location or a substantially similar nearby location after the work is complete. If any sign or sign structure that is or was removed pursuant to this subsection cannot be so reinstalled for any reason, it shall be held at the Public Works Department for the duration specified in SMC 10.38.080(b)(8) pending potential retrieval by someone claiming ownership.

(98) The deadline to physically retrieve any sign or sign structure that the City removed from any public right-of-way for any reason is 5:00 p.m. on the second Friday after the date that the sign or sign structure was removed by the City. The City shall have no obligation to notify or seek out a putative owner, nor any obligation to confirm that a professed owner is in fact a true owner, of any sign or sign structure. The City will relinquish a sign or sign structure to the first person who appears at the Public Works Department and credibly professes ownership. No person or entity shall be entitled to any compensation or relief if a City agent or employee unavoidably damages or destroys a sign or sign structure while removing it, nor if the City disposes of a non-retrieved sign or sign structure after the applicable retrieval deadline has expired, nor if the City relinquishes a sign or sign structure to a person or entity who falsely professed ownership.

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**10.38.090 Sign illumination.**

(a) In General. No non-exempt temporary sign, 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. (See SMC 10.38.040(l) as to the exemption for seasonal and holiday decorations located on residential property.)

(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) Marquee 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 made 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 the area of the fascia board to which it is attached.

(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 or driveway, nor shall any sign or sign structure that fully or partially rises higher than twenty-four inches above the centerline grades of intersecting streets and/or railroads be placed in the clear view triangle of any roadway, driveway or curb cut as established in SMC 10.08.030.

(b) No temporary sign or sign structure may be placed in, on 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, trees and live vegetation (but not including grass, vegetation bed locations without live vegetation and bare ground located in, on or upon a City-owned right-of-way, which are separately addressed by SMC 10.38.080(b)), 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 or 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) Carried signs and sign structures shall not exceed eight square feet in total 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 by a stationary or semi-stationary person standing, sitting or otherwise located 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, people carrying or holding carried signs or sign structures must remain in, on and upon a sidewalk, pedestrian walking path or crosswalk.

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

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

(5) No carried sign or sign structure is allowed in, on or above driving lanes except when such sign or sign structure is being carried or held by a person lawfully crossing the roadway at an intersection.

(6) No carried sign or sign structure is allowed to be placed in, on or upon any fence, wall, boulder, planter, tree, grass, live vegetation or vegetation bed (including but not limited to grass, vegetation bed locations without live vegetation and bare ground located in, on or upon a City-owned right-of-way), or in, on or upon any other sign or sign structure, vehicle, utility facility or any other structure or building. However, a person may carry or hold a carried sign or sign structure while the person is lawfully standing, sitting, walking or otherwise in, on or upon a City-owned right-of-way. (The placement of signs or sign structures in, on or upon City-owned rights-of-way is separately regulated by SMC 10.38.080(b)).

(7) 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 in, on or above private property.

(4) No more than one off-premises directional sign may be installed in, on 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 ~~ne~~ include or utilize any 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 in, on 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, grass, live 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 obstruct vehicular traffic or pedestrian traffic, nor fully or partially rise higher than twenty-four inches above the centerline grades of intersecting streets and/or railroads in the clear view triangle of any roadway, driveway or curb cut as established in SMC 10.08.030.

(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 in, on 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.

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

#### **10.38.220 Administrative Adjustment of sign standards allowed.**

(a) Administrative Adjustment of sign standards were previously prohibited by SMC 10.30.020(a) and 10.30.020(d)(3). However, immediately prior to the instant revised sign code being adopted, the City separately amended SMC 10.30.020(a) and 10.30.020(d)(3) so as to remove such prohibition. Thus, Administrative Adjustment of the standards, restrictions and requirements applicable to signs and sign structures is now allowed.

(b) 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.

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(c) 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.

(d) No requestor shall have any entitlement to an Administrative Adjustment. The City shall make available one or more forms to be used by requestors seeking an Administrative Adjustment. Each submitted request for an Administrative Adjustment shall be reviewed by the Administrative Official in accordance with the procedures, review criteria and authority of SMC 10.30.020.

(e) Written Decision. The Administrative Official shall process the requestor's request for an Administrative Adjustment in accordance with SMC 10.30.020, SMC Chapter 21.05 and WAC 365-196-850, and shall issue a written decision to the requestor or requestors. The Administrative Adjustment shall be granted only if the Administrative Official determines that granting the request will not be materially disruptive, adverse or conflicting with or to neighboring land uses, the zoning district as a whole or the overall intent and purpose of this chapter. The Administrative Adjustment shall be not granted if the Administrative Official determines that granting the request will be materially disruptive, adverse or conflicting with or to neighboring land uses, the zoning district as a whole or the overall intent and purpose of this chapter. The Administrative Official may also conditionally approve the request subject to specific conditions, in order to uphold and accomplish the overall intent and purpose of this chapter and SMC 10.30.020. Whenever the Administrative Official does not grant an Administrative Adjustment in response to a submitted request, the written decision shall explain the reason or reasons for the non-grant in sufficient detail to enable a potential appeal under SMC 10.38.250 or other applicable law.

(f) Appeal. Any requestor who was not granted Administrative Adjustment may appeal the Administrative Official's written decision under SMC 10.38.250.

**10.38.230 Variances.**

Except as allowed by SMC 10.38.220 ("Administrative Adjustment"), the only method for a party to potentially obtain any reduction of the standards, restrictions and requirements of this chapter is for the party to seek and obtain a Variance from the City's Planning Commission pursuant to SMC Chapter 10.30.030. No party shall have any entitlement to a Variance. The City shall make available one or more forms to be used by requestors seeking a Variance. Each submitted request for a Variance shall be reviewed by the City's Planning Commission in accordance with the procedures, review criteria and authority of SMC 10.30.030.

**10.38.240 Violations.**

Failure to comply with the provisions of this chapter is a violation and is punishable under SMC 10.44.020 and Chapter 21.13.

**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.

**10.38.270 Effective date.**

This chapter shall and does become binding and effective, and the City's previous Chapter 10.38 ("Sign Regulations") shall be and is repealed and abrogated, as of 12:01 a.m., ~~Monday, November~~ Wednesday, December 1, 2021.



contrast, writings and drawings created exclusively by applying water-soluble chalk directly upon a sidewalk or pedestrian walking path (without any physical connection to a sign or sign structure) do not constitute a “Temporary sign” and are not in any way governed by this chapter. See SMC 10.38.040(b).

(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. Any person or entity desiring to install a Welcome Sign or Gateway Sign must comply with all provisions of this chapter.

(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) Application and Review Standards. No sign or sign structure governed by this chapter shall be erected, structurally altered or relocated unless a “Development Permit” has been issued in advance. The City shall make available one or more forms to be used by applicants seeking a Development Permit. Each submitted application for a Development Permit





the property (irrespective of whether a consecutive period of ninety days or longer has elapsed); or (4) 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 a designee specified by the Mayor who is a current City employee.

(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) “Clear view triangle” with regard to any roadway, driveway or curb cut has the meaning established by SMC 10.08.030.

(i) “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”.

(j) “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”.

(k) “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.

(l) “Fascia board” means (1) a board or structural component affixed to the outside vertical face of a cornice; or (2) a board or structural component connecting the top of the siding with the bottom of a soffit; or (3) a board or structural component nailed or otherwise affixed across the ends of the rafters at the eaves; or (4) the edge beam of a bridge; or (5) the flat member or band at the surface of a building.

(m) “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.

(n) “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.

(o) “Flashing sign” means any sign or sign structure that is not a “Changing message sign” and that does or was originally designed to (1) change or alter displayed lumens or light intensity in sudden transitory bursts; or (2) 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 (3) do one or more similar functions.

(p) “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 in, on or upon the ground.

(q) “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.

(r) “Marquee” 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 Marquee 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.

(~~sf~~) “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.

(~~st~~) “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.

(~~ut~~) “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.

(~~vt~~) “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.

(~~wv~~) “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.

(~~xw~~) “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.

(~~yx~~) “Portable sign” means any sign or sign structure made of wood, metal, plastic or any other durable material 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 (and, thus, does not include and is distinct from a “Carried Sign”). Examples include, but are not limited to, sandwich board signs, “Trailer signs” and portable reader-board signs that are placed on private property.

(~~zy~~) “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.

(~~aa~~) “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.

(~~baa~~) “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 content for the commercial use an occupant, business, event, activity, 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.

(~~ccb~~) “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.

(~~dde~~) “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.

(~~edd~~) “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.

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

(~~ggf~~) “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.

(~~hgg~~) “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 (on the sign or sign structure), 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 made of durable materials shall be a “Permanent sign”. By contrast, writings and drawings created exclusively by applying water-soluble chalk directly upon a sidewalk or pedestrian walking path (without any physical connection to a sign or sign structure) do not constitute a “Temporary sign” and are not in any way governed by this chapter. See SMC 10.38.040(b).

(~~iih~~) “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).

(~~jjh~~) “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.

(~~kkj~~) “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.

(~~llk~~) “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.

(~~mmh~~) “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) Application and Review Standards. No sign or sign structure governed by this chapter shall be erected, structurally altered or relocated unless a “Development Permit” has been issued in advance. The City shall make available one or more forms to be used by



**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 in, on or above private property.

(4) No more than one off-premises directional sign may be installed in, on 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.

O-5d

(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 include or utilize any motion other than the changing of the displayed content.

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





(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 include or utilize any 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~~ four 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.



## Chapter 10.38

### SIGNS

#### Sections:

10.38.010	Intent and interpretation.
10.38.020	Chapter-specific definitions.
10.38.030	Development Permit required.
10.38.035	Land Use Applications.
10.38.040	Exempt signs and non-regulation of chalk on sidewalks.
10.38.050	Prohibited signs.
10.38.060	Sign standards.
10.38.070	General provisions.
10.38.080	Signs projecting over, or placed upon, public rights-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.
<del>10.38.140</del>	<del>Carried signs.</del>
10.38.1540	Directional signs.
10.38.1560	Off-premises signs and billboards.
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10.38.1780	Multiple building complexes and multiple tenant buildings.
10.38.1890	Freeway signs.
10.38.190200	Portable signs.
10.38.200210	Legal nonconforming signs, maintenance of signs, removal of signs and enforcement of this chapter.
10.38.2120	Administrative Adjustment of sign standards allowed.
10.38.2230	Variances.
10.38.2340	Violations.
10.38.2450	Appeals.
10.38.2560	Fees/charges.
10.38.2670	Effective date.

#### **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. 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 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 viewpoint-neutral, message-neutral and neutral as to commercial speech, noncommercial speech, political speech and nonpolitical speech.

#### **10.38.020 Chapter-specific definitions.**

The definitions specified in “Appendix A” to title 10 of the Selah Municipal Code apply generally to this chapter, as stated in the “Purpose” thereof. More specifically, the following abbreviations, terms, phrases, words and derivatives shall be construed for purposes of this chapter as specified in this section and the specific definitions specified herein shall override any potentially-conflicting or potentially-inconsistent general definitions specified in said Appendix A.

(a) “Abandoned sign” means any sign or sign structure that is (1) located on property that has been vacant, unoccupied or not lawfully used for a consecutive period of ninety days or longer; or (2) has not been lawfully used for a consecutive period of ninety days or longer; or (3) 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 (4) 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 a designee specified by the Mayor who is a current City employee.

(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 (1) a board or structural component affixed to the outside vertical face of a cornice; or (2) a board or structural component connecting the top of the siding with the bottom of a soffit; or (3) a board or structural component nailed or otherwise affixed across the ends of the rafters at the eaves; or (4) the edge beam of a bridge; or (5) 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 (1) change or alter displayed lumens or light intensity in sudden transitory bursts; or (2) 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 (3) 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 in, on 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) “Marquee” 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 Marquee 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.

(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 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 (and, thus, does not include and is distinct from a “Carried Sign”). 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 content for the commercial use an occupant, business, event, activity, 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 (on the sign or sign structure), 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 made of durable materials shall be a “Permanent sign”. By

contrast, writings and drawings created exclusively by applying water-soluble chalk directly upon a sidewalk or pedestrian walking path (without any physical connection to a sign or sign structure) do not constitute a “Temporary sign” and are not in any way governed by this chapter. See SMC 10.38.040(b).

(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) Application and Review Standards. No sign or sign structure governed by this chapter shall be erected, structurally altered or relocated unless a “Development Permit” has been issued in advance. The City shall make available one or more forms to be used by applicants seeking a Development Permit. Each submitted application for a Development Permit shall be reviewed by City staff for conformance to the standards, restrictions and requirements of

this chapter and all other applicable chapters of the Selah Municipal Code. The viewpoint or message expressed or to be expressed by, on or within the sign or sign structure shall not a subject for review by City staff (because, as stated in SMC 10.38.010(b) and elsewhere, this chapter is intended, and shall be interpreted and enforced, so as to be viewpoint-neutral and message-neutral). The content expressed or to be expressed by, on or within the sign or sign structure (in contrast to viewpoint or message) shall be a subject for review by City staff only to the extent, if any, that such content is or would be violative of this chapter due to a reason other than viewpoint or message (for example, if the content purports to be or confusingly imitates or resembles an official traffic sign, in violation of SMC 10.38.050(b)).

(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.

(d) **Written Decision.** The Administrative Official shall, within a reasonable time, send a written decision to the applicant or applicants. A Development Permit shall be issued if all applicable standards, restrictions and requirements are or will be met. A Development Permit shall not be issued if one or more applicable standards, restrictions or requirements are not or will not be met and if a Variance (pursuant to SMC 10.38.230) has not or will not be granted as to such non-met standards, restrictions or requirements. Whenever the Administrative Official does not issue a Development Permit in response to a submitted application, the written decision shall specify each standard, restriction and requirement that has not been met and explain the reason or reasons for the non-issuance in sufficient detail to enable a potential appeal under SMC 10.38.2450 or other applicable law (and, also and alternatively, to enable the applicant or applicants to submit a new or revised application at a later date that addresses whichever standards, restrictions or requirements were not met via the preceding application).

(e) **Appeal.** Any applicant who was not issued a Development Permit may appeal the Administrative Official's written decision under SMC 10.38.2450.

### **10.38.035 Land Use Applications.**

The provisions of SMC 21.07.035 ("Signage requirements for certain land use applications") must be met when applicable.

**10.38.040 Exempt signs and non-regulation of chalk on sidewalks.**

(a) 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:

(1) Any carried sign or sign structure so long as it is hand-held by a person.

(2) 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.

(~~3~~) Any on-premises directional sign that meets the other standards, restrictions and requirements of this chapter, including but not limited to all size restrictions.

(~~3~~) Any barber poles or gravestone or separate-use structure such as a Goodwill container or election ballot drop box.

(~~4~~) Any address numbers or building identification information that is required or allowed by law.

(~~6~~) Any temporary sign or sign structure exclusively located on private land when the owner or owners of the sign and sign structure have obtained express permission from the person, persons, entity or entities owning or controlling a majority interest (*i.e.*, more than fifty percent on a one-hundred percent scale) of the property where the sign and sign structure is located. The owner or owners of the sign and sign structure must continually comply with and fulfill any conditions or restrictions that such majority-interest landowner(s) may impose, and also must immediately and fully remove the sign or sign structure if the majority-interest landowner(s) subsequently revoke any previous grant of permission. The majority-interest landowner(s) are not required to grant permission for any sign or sign structure, and, instead, shall have continual subjective discretion as to whether to grant permission, revoke permission or impose conditions and restrictions as to any grant of permission. The majority-interest landowner(s) may not grant or purport to grant permission that in any degree or way conflicts with the provisions this chapter.

(~~7~~) 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:

(A) Emergency signs and warning signs.

- (B) Traffic and wayfinding signs.
- (C) Signs required by law to exist.
- (D) Signs showing the location of public facilities.

(87) Any flag that is:

- (A) Located on a flagpole in any residential zoning district.
- (B) Shares the flagpole with no more than one other flag or item irrespective of the zoning district.
- (C) 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.
- (D) Located on a flagpole that meets all applicable minimum setback standards for accessory structures. See SMC Chapter 10.38, Table 38-4.

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

(10) Signs in, on 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.

(11) 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”.

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

(13) Seasonal and holiday decorations, including any illumination, located on residential property for a period of time not exceeding sixty days.

(b) A writing or drawing created exclusively by applying water-soluble chalk directly upon a public sidewalk or pedestrian walking path (without any physical connection to a sign or sign structure) does not constitute a “sign” or “sign structure” and is not in any way governed by this chapter.

**10.38.050 Prohibited signs.**

The following signs and sign structures are prohibited:

(a) Any sign or sign structure located in, on 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 or confusingly imitating or 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, structure, building, facility, vehicle or equipment owned by any government or public agency, or placed on any tree or live vegetation (other than grass) 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											
	Roof	Not Allowed	Class (1) Use									
	Permanent Freestanding	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										
	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 per Street Frontage			1 per Street Frontage							
	Permanent Freestanding	Not Allowed			See SMC 10.38.100							
	Projecting											
	Wall Signs								See SMC 10.38.090			
	Roof Signs								Freeway: See SMC 10.38.150			
	Freeway	Directional: See SMC 10.38.120(B)										
Off-Premises Signs Including Billboards		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											

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SIGN TYPE		ZONING DISTRICTS						
		LDSF	R-1	R-2	R-3	B-1	B-2	M-1
Carried Signs	See SMC 10.38.115							
Digital Signs	See SMC 10.38.135							
Portable Signs	See SMC 10.38.200							

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
<b>Residential Districts</b>					
<b>LDSF, R-1, R-2, and R-3</b>		Nameplates up to 2 sq. ft. and subdivision/project identification up to 32 sq. ft.			NOT PERMITTED
<b>Commercial &amp; Industrial Districts</b>				SIZE OF WALL TO WHICH ATTACHED	WHERE PERMITTED: UP TO 300 SQUARE FEET
<b>B-1</b>	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>B-2</b>	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.		
<b>M-1</b>		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					
<b>MAXIMUM SIGN AREA OF OTHER SIGN TYPES THAT ARE BASED ON OTHER CRITERIA</b>					
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 10.38.200				

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**Table 38-3. Sign Height and Setbacks**

SIGN STANDARDS		ZONING DISTRICTS					
		LDSF	R-1	R-2	R-3	B-1	B-2
<b>MAXIMUM SIGN HEIGHT</b>							
Permanent Freestanding	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 Allowed			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.		
<b>SETBACKS</b>							
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)					
<b>SIGN HEIGHT AND SETBACKS FOR SIGNS TYPES THAT ARE BASED ON OTHER CRITERIA</b>							
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 10.38.200						

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.

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(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 (including, but not limited to, carried 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 that fully or partially rises higher than twenty-four inches above the centerline grades of intersecting streets and/or railroads 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" and materials substantially similar thereto. 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, pedestrian walking paths, trees and live vegetation (but not including grass, vegetation bed locations without live vegetation or bare ground locations in, on or upon a City-owned right-of-way, which are separately regulated by SMC 10.38.080(b)). Any sign or sign

structure that violates this provision may be removed and permanently disposed of by the City without any compensation or relief to the owner or owners of the sign or sign structure.

**10.38.080 Signs projecting over, or placed upon, public rights-of-way.**

(a) Signs and sign structures, including but not limited to freestanding signs and sign structures, that project over any public right-of-way without being physically connected to the right-of-way (*i.e.*, those that hang or extend over a right-of-way, rather than those that are installed on the ground in the right-of-way) shall comply with the general provisions of this chapter and also the following specific provisions:

(1) Prior to erecting the sign or sign structure, the owner or owners of the sign and sign structure must obtain a “Right-of-Way Use Permit” in advance. The City shall make available one or more forms to be used by applicants seeking a Right-of-Way Use Permit. The owner or owners of the sign and sign structure must continually comply with and fulfill the terms and conditions of an issued Right-of-Way Use Permit at all times, and also must immediately and fully remove the sign or sign structure if the Right-of-Way Use Permit expires, lapses or is otherwise terminated.

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

(3) The sign and sign structure shall not project within two feet of the curb line and shall also conform to the following maximum projection standards:

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

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

(5) No sign or sign structure shall obstruct or impair access to a public sidewalk, pedestrian walking path, public or private street or driveway, traffic control

signal, bus stop, fire hydrant, bench or any type of street furniture, or otherwise create a hazard.

(b) Signs and sign structures, including but not limited to freestanding signs and sign structures, that are installed in, on or upon a public right-of-way (*i.e.*, those that are installed on the ground in the right-of-way, rather than those that hang or extend over a right-of-way without being physically connected to the right-of-way) shall comply with the general provisions of this chapter and also the following specific provisions:

(1) Along South First Street, signs and sign structures may be installed in, on or upon the public right-of-way without any necessity of seeking or obtaining permission from the City or from the owner or owners of any abutting, adjacent or nearby property or properties. Neither the City nor any property owner(s) have any option to potentially disallow all or certain signs or signs structures (that otherwise comply with this chapter) from being installed in, on or upon such specific location.

(2) At all other locations, including but not limited to along North First Street, Jim Clements Way and North Wenas Avenue, prior to installing a sign or sign structure in, on or upon a public right-of-way, the owner or owners of the sign and sign structure must obtain express permission from the person, persons, entity or entities owning or controlling a majority interest (*i.e.*, more than fifty percent on a one-hundred percent scale) of the real estate lot or parcel that abuts, is adjacent to or is nearest to the specific location or area in the right-of-way where the sign or sign structure will be installed. The owner or owners of the sign and sign structure must continually comply with and fulfill any conditions or restrictions that such majority-interest landowner(s) may impose, and also must immediately and fully remove the sign or sign structure if the majority-interest landowner(s) subsequently revoke any previous grant of permission. The majority-interest landowner(s) are not required to grant permission for any sign or sign structure, and, instead, shall have continual subjective discretion as to whether to grant permission, revoke permission or impose conditions and restrictions as to any grant of permission. The majority-interest landowner(s) may not grant or purport to grant permission that in any degree or way conflicts with the provisions this chapter.

(3) No sign or sign structure shall be placed in, on or upon any vehicular traffic travel lane, roadway, road shoulder, road median, road roundabout or other right-of-way location or area that is not legally and safely accessible by a sidewalk or pedestrian walking path.

(4) No sign or sign structure shall be placed in, on or upon any sidewalk or pedestrian walking path. Instead, signs and sign structures shall be installed in, on or upon the grass, vegetation bed locations without live vegetation or bare ground when they are installed in, on or upon a public right-of-way.

(5) No sign or sign structure shall obstruct or impair access to a public sidewalk, pedestrian walking path, public or private street or driveway, traffic control

signal, bus stop, fire hydrant, bench or any type of street furniture, or otherwise create a hazard.

(6) No sign or sign structure shall materially obstruct or impair access to any property, building, structure, facility or parked vehicle.

(7) Each Thursday, in order to enable routine maintenance efforts by the City, the owner or owners of signs and sign structures shall remove their signs and sign structures from all public rights-of-way no later than 6:00 a.m. and also shall not install or reinstall signs or signs structures on any public right-of-way between 6:00 a.m. and 2:00 p.m.

(8) City agents and employees may, to the extent necessary, temporarily remove signs and sign structures for any duration on any date or dates in order to clean or otherwise maintain a public right-of-way or any other property or location. City agents and employees shall endeavor, to the extent possible, to not damage or destroy any sign or sign structure while removing it. City agents and employees shall, to the extent possible, reinstall the signs and sign structures at the same location or a substantially similar nearby location after the work is complete. If any sign or sign structure cannot be so reinstalled for any reason, it shall be held at the Public Works Department pending potential retrieval by someone claiming ownership.

(9) The deadline to physically retrieve any sign or sign structure that the City removed from any public right-of-way for any reason is 5:00 p.m. on the second Friday after the date that the sign or sign structure was removed by the City. The City shall have no obligation to notify or seek out a putative owner, nor any obligation to confirm that a professed owner is in fact a true owner, of any sign or sign structure. The City will relinquish a sign or sign structure to the first person who appears at the Public Works Department and professes ownership. No person or entity shall be entitled to any compensation or relief if a City agent or employee unavoidably damages or destroys a sign or sign structure while removing it, nor if the City disposes of a non-retrieved sign or sign structure after the applicable retrieval deadline has expired, nor if the City relinquishes a sign or sign structure to a person or entity who falsely professed ownership.

#### **10.38.090 Sign illumination.**

(a) In General. No non-exempt temporary sign, 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. (See SMC

10.38.040(1) as to the exemption for seasonal and holiday decorations located on residential property.)

(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) Marquee 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 made 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 the area of the fascia board to which it is attached.

(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 or driveway, nor shall any sign or sign structure that fully or partially rises higher than twenty-four inches above the centerline grades of intersecting streets and/or railroads be placed in the clear view triangle of any roadway, driveway or curb cut as established in SMC 10.08.030.

(b) No temporary sign or sign structure may be placed in, on 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, trees and live vegetation (but not including grass, vegetation bed locations without live vegetation and bare ground located in, on or upon a City-owned right-of-way, which are separately addressed by SMC 10.38.080(b)), 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 or 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) — Carried signs and sign structures shall not exceed eight square feet in total 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 by a stationary or semi-stationary person standing, sitting or otherwise located 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, people carrying or holding carried signs or sign structures must remain in, on and upon a sidewalk, pedestrian walking path or crosswalk.~~

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

~~(4) — No carried sign or sign structure is allowed in, on or above parking stalls, parking aisles, loading lanes and areas, or emergency access lanes and areas.~~

~~(5) — No carried sign or sign structure is allowed in, on or above driving lanes except when such sign or sign structure is being carried or held by a person lawfully crossing the roadway at an intersection.~~

~~(6) — No carried sign or sign structure is allowed to be placed in, on or upon any fence, wall, boulder, planter, tree, grass, live vegetation or vegetation bed (including but not limited to grass, vegetation bed locations without live vegetation and bare ground located in, on or upon a City-owned right-of-way), or in, on or upon any other sign or sign structure, vehicle, utility facility or any other structure or building. However, a person may carry or hold a carried sign or sign structure while the person is lawfully standing, sitting, walking or otherwise in, on or upon a City-owned right-of-way. (The placement of signs or sign structures in, on or upon City-owned rights-of-way is separately regulated by SMC 10.38.080(b)).~~

~~(7) — 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.~~

#### **10.38.1450 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 10.38.1560, 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 in, on or above private property.

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

**10.38.1560 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 10.38.2010.

(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.

**10.38.1670 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 include or utilize any motion other than the changing of the displayed content.

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

**10.38.1780 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.

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**10.38.1890 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.

**10.38.190200 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 placed further than ten lineal feet from the driveway or access to the property.

(i) No portable sign or sign structure shall be located in, on 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, grass, live 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 obstruct vehicular traffic or pedestrian traffic, nor fully or partially rise higher than twenty-four inches above the centerline grades of intersecting streets and/or railroads in the clear view triangle of any roadway, driveway or curb cut as established in SMC 10.08.030.

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

**10.38.20010 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 in, on 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.

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

**10.38.2120 Administrative Adjustment of sign standards allowed.**

(a) Administrative Adjustment of sign standards were previously prohibited by SMC 10.30.020(a) and 10.30.020(d)(3). However, immediately prior to the instant revised sign code being adopted, the City separately amended SMC 10.30.020(a) and 10.30.020(d)(3) so as to remove such prohibition. Thus, Administrative Adjustment of the standards, restrictions and requirements applicable to signs and sign structures is now allowed.

(b) 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.

(c) 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.

(d) No requestor shall have any entitlement to an Administrative Adjustment. The City shall make available one or more forms to be used by requestors seeking an Administrative Adjustment. Each submitted request for an Administrative Adjustment shall be reviewed by the Administrative Official in accordance with the procedures, review criteria and authority of SMC 10.30.020.

(e) **Written Decision.** The Administrative Official shall process the requestor's request for an Administrative Adjustment in accordance with SMC 10.30.020, SMC Chapter 21.05 and WAC 365-196-850, and shall issue a written decision to the requestor or requestors. The Administrative Adjustment shall be granted only if the Administrative Official determines that granting the request will not be materially disruptive, adverse or conflicting with or to neighboring land uses, the zoning district as a whole or the overall intent and purpose of this chapter. The Administrative Adjustment shall be not granted if the Administrative Official determines that granting the request will be materially disruptive, adverse or conflicting with or to neighboring land uses, the zoning district as a whole or the overall intent and purpose of this chapter. The Administrative Official may also conditionally approve the request subject to specific conditions, in order to uphold and accomplish the overall intent and purpose of this chapter and SMC 10.30.020. Whenever the Administrative Official does not grant an Administrative Adjustment in response to a submitted request, the written decision shall explain the reason or reasons for the non-grant in sufficient detail to enable a potential appeal under SMC 10.38.24~~50~~ or other applicable law.

(f) **Appeal.** Any requestor who was not granted Administrative Adjustment may appeal the Administrative Official's written decision under SMC 10.38.24~~50~~.

### **10.38.23~~20~~ Variances.**

Except as allowed by SMC 10.38.21~~20~~ ("Administrative Adjustment"), the only method for a party to potentially obtain any reduction of the standards, restrictions and requirements of this



chapter is for the party to seek and obtain a Variance from the City's Planning Commission pursuant to SMC Chapter 10.30.030. No party shall have any entitlement to a Variance. The City shall make available one or more forms to be used by requestors seeking a Variance. Each submitted request for a Variance shall be reviewed by the City's Planning Commission in accordance with the procedures, review criteria and authority of SMC 10.30.030.

**10.38.2340 Violations.**

Failure to comply with the provisions of this chapter is a violation and is punishable under SMC 10.44.020 and Chapter 21.13.

**10.38.2540 Appeals.**

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

**10.38.2650 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.

**10.38.2670 Effective date.**

This chapter shall and does become binding and effective, and the City's previous Chapter 10.38 ("Sign Regulations") shall be and is repealed and abrogated, as of 12:01 a.m., Wednesday, December 1, 2021.

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