

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE:

AGENDA ITEM:	
Sign Code Review	
PREPARED BY:	DIRECTOR APPROVAL:
Gloria Hirashima, CAO (per discussion with Councilmember James)	
DEPARTMENT:	
City Council	
ATTACHMENTS:	
1. Sign Code, Chapter 22C 2. MRSC – Sign Regulation 3. MRSC – Regulating Non-Commercial Temporary Signs During Election Season	
BUDGET CODE:	AMOUNT:
SUMMARY:	
Councilman James requested, and the City Council concurred that the sign code be placed on the agenda for discussion. The area of greatest interest to Councilman James is political signage. Political signs are covered under 22C.160.230 Development standards – Temporary and special event signs. Concerns identified are size, length of time allowed for placement of temporary signage, and placement of signage within the right of way. He would like Council to review other municipal code examples and have a legal update on restrictions for regulating political signage or the category of “temporary and special event signs”.	

RECOMMENDED MOTION:

Chapter 22C.160 SIGNS

Sections:

- 22C.160.010 Purpose.**
- 22C.160.020 Authority.**
- 22C.160.030 Permits required.**
- 22C.160.040 Application requirements and fee schedule.**
- 22C.160.050 Inspections.**
- 22C.160.060 Construction standards.**
- 22C.160.070 Prohibitions.**
- 22C.160.080 Exemptions.**
- 22C.160.090 On-premises requirement.**
- 22C.160.100 Maintenance.**
- 22C.160.110 Abandoned signs.**
- 22C.160.120 Subarea master plan and special overlay districts.**
- 22C.160.130 Illumination.**
- 22C.160.140 Measurement standards.**
- 22C.160.150 Development standards – Residential zones.**
- 22C.160.160 Development standards – Wall signs.**
- 22C.160.170 Development standards – Freestanding signs.**
- 22C.160.180 Development standards – Electronic message, animated and changeable copy signs.**
- 22C.160.190 Development standards – Instructional signs.**

22C.160.200 Development standards – Window signs.

22C.160.210 Development standards – Blade/bracket signs.

22C.160.220 Development standards – Gas stations, convenience stores, car washes and similar uses.

22C.160.230 Development standards – Temporary and special event signs.

22C.160.240 Nonconforming signs.

22C.160.250 Amortization for billboard signs.

22C.160.260 Bonus allowance for outstanding design.

22C.160.270 Variances.

22C.160.280 Substitution.

22C.160.010 Purpose. 

The purpose of this chapter is to provide for the reasonable display of signs necessary for public service or the conduct of business. The regulations enacted herein are necessary to protect the safety and welfare of the public and to maintain an attractive appearance in the community. This chapter authorizes and regulates the use of signs visible from a public right-of-way and/or adjacent property to:

- (1) Provide a reasonable balance between the right of an individual to identify a business and the right of the public to be protected against the unrestricted proliferation of signs; and
- (2) Support the economic well-being of businesses by allowing businesses to identify their premises and advertise products and services; and
- (3) Provide minimum standards to safeguard life, health, property and the general welfare by regulating and controlling the design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures; and
- (4) Ensure that signs are compatible with adjacent land uses; and
- (5) Protect the public from hazardous conditions resulting from signs that are structurally unsafe, obscure visions of motorists, distract motorists, or interfere with traffic signs and signals; and
- (6) Minimize overhead clutter for drivers and pedestrians; and

(7) Provide for types and sizes of signs appropriate to the land uses and zoning districts of the city; and

(8) Encourage well-designed signs that are compatible both with surrounding land uses and the buildings to which they are appurtenant; and

(9) Provide for the orderly and reasonable elimination of existing signs that are not in conformance with this chapter to protect the public health, safety, and welfare; and

(10) Provide a reasonable amortization period for businesses which have made a substantial investment in off-premises signs (billboards); and

(11) Implement the goals and policies of the Marysville comprehensive plan; and

(12) Protect property values by encouraging signs that are appropriate in both scale and design to surrounding buildings and landscape, and by discouraging a needless proliferation of the number of signs. (Ord. 2852 § 10 (Exh. A), 2011).

22C.160.020 Authority. 

(1) Administration. The community development director will administer these sign standards as set forth in Chapter [22G.010](#) MMC, Land Use Application Procedures. The director may implement procedures, forms, and written policies for administering the provisions of this chapter.

(2) Enforcement. This chapter will be enforced by the code enforcement officer.

(3) Violations. Violations of this chapter are civil infractions enforced under MMC Title [4](#). (Ord. 2852 § 10 (Exh. A), 2011).

22C.160.030 Permits required. 

It shall be unlawful to erect or display a sign in the city without a sign permit issued by the community development department, except for those exempted in MMC [22C.160.080](#). (Ord. 2852 § 10 (Exh. A), 2011).

22C.160.040 Application requirements and fee schedule. 

(1) Applications for sign permits shall be made to the building official upon forms provided by the community development department. Such application shall require:

(a) Name, address, telephone number and e-mail address of the applicant.

(b) Name, address, telephone number and e-mail address of the sign owner.

(c) Tax parcel number or correct address where the proposed sign or signs will be located.

(d) A scaled drawing of the proposed sign or sign revision, including size, height, copy, structural footing details, method of attachment and illumination.

(e) A scaled site plan, indicating the location of the sign relative to property lines, rights-of-way, streets, sidewalks, and other buildings or structures on the premises.

(f) The number, size, type and location of all existing signs on the same building, lot or premises.

(2) Fee Schedule. Fees for sign permits are as provided by MMC [16.04.045](#), Table 1-A. (Ord. 2852 § 10 (Exh. A), 2011).

22C.160.050 Inspections.

(1) Inspections are required for all signs requiring a permit. The building division shall be contacted for inspections at the following points of the project:

(a) Prior to pouring footings for freestanding signs. The applicant will be required to provide enough field information for the inspector to determine the proposed sign complies with applicable setback provisions.

(b) Foundation, anchorage, attachments and other structural support of the sign, sign structure and awning.

(c) Electrical connections of the sign, sign lighting or awning lighting. No person may make connections of a sign, sign lighting or awning lighting to a power source until all electrical components and connections have been approved.

(d) Final sign installation to determine compliance with the approved plans.

(2) Special inspections may be required for complex signs as specified by the licensed design professional or the building official. Notice will be given to the applicant as part of the permit review process when a special inspection is required. (Ord. 2852 § 10 (Exh. A), 2011).

22C.160.060 Construction standards.

The construction, erection, safety and maintenance of all signs shall comply with MMC Title [16](#), and the following:

(1) Signs shall be structurally sound and located so as to pose no reasonable threat to pedestrian or vehicular traffic.

(2) All permanent freestanding signs shall have self-supporting structures erected on, or permanently attached to, concrete foundations.

(3) Signs should not be in locations that obscure architectural features such as pilasters, arches, windows, cornices, etc.

(4) Signs should not be in locations that interfere with safe vehicular and pedestrian circulation or public safety signals and signs.

(5) No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress. (Ord. 2852 § 10 (Exh. A), 2011).

22C.160.070 Prohibitions.

The following signs are prohibited in the city and are subject to the specific prohibitions, requirements, and exceptions set forth below for each type of sign:

(1) Billboards. Billboards shall be removed subject to the amortization schedule outlined in MMC [22C.160.250](#).

(2) Animated signs. No sign shall be animated, revolve or rotate either mechanically or by illumination, except for the movement of the hands of a clock, permitted electronic message signs, and barber poles.

(3) Roof signs.

(4) Hazardous signs. A sign is hazardous if it creates a safety hazard for pedestrians or motorists, as determined by the police chief or city engineer.

(5) Signs located in or on public right-of-way. No signs shall be located upon or projecting over public streets, sidewalks, or rights-of-way except as provided for projecting wall signs in MMC [22C.160.160](#)(9), blade/bracket signs in MMC [22C.160.210](#) and temporary and special event signs in MMC [22C.160.230](#).

(6) Temporary and special event signs. Temporary and special event signs not meeting the requirements of MMC [22C.160.230](#) are prohibited. This prohibition includes, but is not limited to, portable readerboards, signs on vehicles or trailers, banners and sandwich or A-boards; provided, that sandwich or A-board signs may in certain circumstances be specifically allowed as set forth in this chapter.

(7) Signs on utility poles and trees. Signs on utility, street light and traffic control standards or poles and trees are prohibited, except for those of the utility or government.

(8) Signs not meeting the requirements of this chapter or that are legally nonconforming. The following signs are unlawful and prohibited:

(a) Signs which were lawful under prior sign codes, but which are not lawful under this chapter.

(b) Signs that do not comply with the conditions of their permits.

(c) Signs erected, altered or relocated without a permit and not in compliance with this chapter.

(d) Signs which were lawful under prior sign codes, but which have been altered or relocated so that the sign is not in compliance with this chapter.

(e) Signs that identify and advertise activities, products, businesses, or services which have been discontinued, terminated or closed for more than 60 days on the premises upon which the signs are located.

(9) Streamers, pennants, and banners. Displays of banners, festoons, flags, posters, pennants, ribbons, streamers, strings of lights, chasing strobe or scintillating lights, flares, balloons, bubble machines and similar devices are prohibited when the same are visible from any off-site location, including but not limited to any public right-of-way, except as provided in MMC [22C.160.230](#). Where such signs or devices are not visible from off site, this prohibition does not apply.

(10) Traffic-like signs. Signs which by reason of their size, location, movement, content, coloring or manner of illumination may be confused with a traffic control sign, signal, or device, or the light of an emergency vehicle, or which obstruct the visibility of any traffic or street sign or signal, are prohibited.

(11) Obscene signs. Signs which bear or contain statements, words or pictures which are obscene under the prevailing statutes or applicable state and federal court decisions are prohibited. (Ord. 2852 § 10 (Exh. A), 2011).

22C.160.080 Exemptions.

The following signs are exempted from obtaining a sign permit, but must comply with all other requirements of this chapter and with the specific requirements set forth below for each type of sign:

(1) A change in the face of the sign or advertising copy of an existing, legally permitted, sign.

(2) Temporary and special event signs meeting the requirements of MMC [22C.160.230](#).

(3) On-premises and portable commercial or real estate signs meeting the requirements of MMC [22C.160.230](#)(5) and (6).

(4) Political signs meeting the requirements of MMC [22C.160.230](#)(7).

- (5) Nonelectric signs not exceeding four square feet per face, which are limited in content to the name of occupant and address of the premises in a residential zone.
- (6) Instructional signs, not exceeding six square feet per sign; provided, that foundation, anchorage, attachments and other structural support of the sign and electrical connection require construction permits.
- (7) Menu signs. Foundation, anchorage, attachments and other structural support of the sign and electrical connection require construction permits.
- (8) Seasonal decorations. Reasonable seasonal decorations within an appropriate holiday season or during a festival are exempt from this section as long as such displays are removed promptly at the end of the holiday season or festival.
- (9) Sculptures, fountains, benches, lighting, mosaics, murals, landscaping and other street furniture and design features, which do not incorporate advertising or identification.
- (10) Signs not visible from public way. Exterior and interior signs or displays not intended to be visible from streets or public ways, signs in the interior of a building more than three feet from the closest window and not facing a window, window displays and point of purchase advertising displays such as vending machines.
- (11) Traffic or other municipal signs, signs required by law or emergency services, railroad crossing signs, legal notices, and any temporary signs specifically authorized by the city council or authorized under policies and procedures adopted by the city council.
- (12) Signs of public utility companies indicating danger or which serve as an aid to public safety or which show the location of underground facilities or of public telephones.
- (13) Memorial signs or tablets, names of buildings, stained glass windows and dates of erection when cut into the surface of the facade of the building or when projecting not more than two inches.
- (14) Incidental signs, including, but not limited to, "no trespassing," "no dumping," "no parking," "private," signs identifying essential public needs (i.e., restrooms, entrance, exit, telephone, etc.) and other information warning signs, which shall not exceed three square feet in surface area.
- (15) Flush-mounted wall signs which are used to identify the name and address of the occupant for each dwelling, provided the sign does not exceed two square feet in sign area.
- (16) Gateway entrance signs. Gateway entrance signs that comply with the city of Marysville gateway master plan. Foundation, anchorage, attachments and other

structure support of the sign and electrical connection require construction permits. (Ord. 3054 § 16, 2017; Ord. 2852 § 10 (Exh. A), 2011).

22C.160.090 On-premises requirement. 

All signs shall be located on-premises; provided, that temporary off-premises signs shall be allowed subject to the provisions set forth in MMC [22C.160.230](#). In addition, property owners may apply for an off-premises freestanding sign with a contiguous property abutting a public street, subject to the following criteria:

(1) The allowable off-premises freestanding sign area shall be determined by measuring the street frontage of the property abutting the public street, as provided in MMC [22C.160.140](#)(5).

(2) Off-premises freestanding signage shall comply with all applicable development standards set forth in this chapter.

(3) Applicants may apply for a bonus allowance, subject to the criteria set forth in MMC [22C.160.260](#). (Ord. 2852 § 10 (Exh. A), 2011).

22C.160.100 Maintenance. 

Signs shall be maintained in the same condition as when the sign was installed. Normal wear and tear of aged signs shall be repaired when they detract from the visible quality of the sign, as determined by the community development director. When signs are repaired, they must do so in a manner (paint colors shall match, etc.) that is consistent with the approved sign permit. When signs are removed, the wall behind the sign shall be repaired and painted to match the rest of the building wall. The premises surrounding a freestanding sign shall be free of litter, and any landscaped area shall be maintained.

Those signs found to be deteriorated or unsafe shall be repaired or removed by the owner within 10 days after receiving notice from the community development director or designee. (Ord. 2852 § 10 (Exh. A), 2011).

22C.160.110 Abandoned signs. 

Abandoned signs shall be removed by the property owner or lessee within 60 days after the business or service advertised by the sign is no longer conducted on the premises. If the property owner or lessee fails to remove it, the community development director, or designee, shall give the owner 10 days' written notice to remove it. Upon failure to comply with this notice, the city of Marysville may remove the sign at the cost of the owner of the premises. The foundations and posts of a sign, with all advertising copy removed, may remain on the premises for up to three years with the owner's written consent, on the condition that the same must be continuously maintained pursuant to MMC [22C.160.100](#). (Ord. 2852 § 10 (Exh. A), 2011).

22C.160.120 Subarea master plan and special overlay districts. 

In general, all signs are subject to sign regulations outlined in this chapter. When the regulations of a subarea master plan or special overlay district conflict with this chapter,

unless specifically indicated otherwise, the regulations of the subarea master plan or special overlay district supersede the regulations of this chapter. (Ord. 2852 § 10 (Exh. A), 2011).

22C.160.130 Illumination. 

The following standards apply to all illuminated signs:

- (1) Sign illumination shall not interfere with the use and enjoyment of adjacent properties, create a public nuisance, or create public safety hazards. Exterior light sources shall be shielded from view and directed to illuminate only the sign face.
- (2) No sign shall have blinking, flashing, moving or fluttering lights or other illuminating devices that have a changing light intensity, brightness or color.
- (3) Illuminated signs shall not create a hazardous glare for pedestrians or vehicles either in a public street or on any private premises and shall not project towards the sky.
- (4) The light from an illuminated sign shall not be of an intensity or brightness or directed in a manner that will create a negative impact on residential properties in direct line of sight to the sign.
- (5) Colored light shall not be used at a location or in a manner so as to be confused or construed as a traffic control device.
- (6) Reflective-type bulbs and incandescent lamps that exceed 15 watts shall not be used on the exterior surface of signs so that the face of the bulb or lamp is exposed to a public right-of-way or adjacent property.
- (7) Light sources shall utilize energy efficient fixtures to the greatest extent possible.
- (8) Each illuminated sign shall be subject to a 30-day review period, during which time the community development director or designee may determine that a reduction in illumination is necessary due to negative impacts on surrounding property or the community in general. In addition, and at any time, the community development director or designee may order the dimming of any illumination found to be excessively bright. The community development director's determination will be made without regard to the message content of the sign. (Ord. 2852 § 10 (Exh. A), 2011).

22C.160.140 Measurement standards. 

(1) Determining Sign Area and Dimensions.

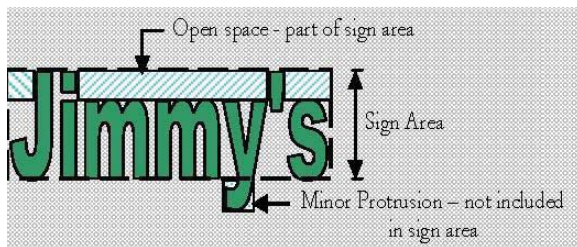
- (a) For a wall sign which is framed, outlined, painted or otherwise prepared and intended solely to provide a background for a sign display, the area and dimensions shall include the entire portion within such background or frame.

(b) For a wall sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not a part of the architecture of the building. When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas, including the space between different elements. Minor appendages to a particular regular shape, as determined by the community development director, shall not be included in the total area of a sign.

Figure 1: Wall Sign Area – Examples of Area Calculations



Measuring the examples using multiple geometric shapes

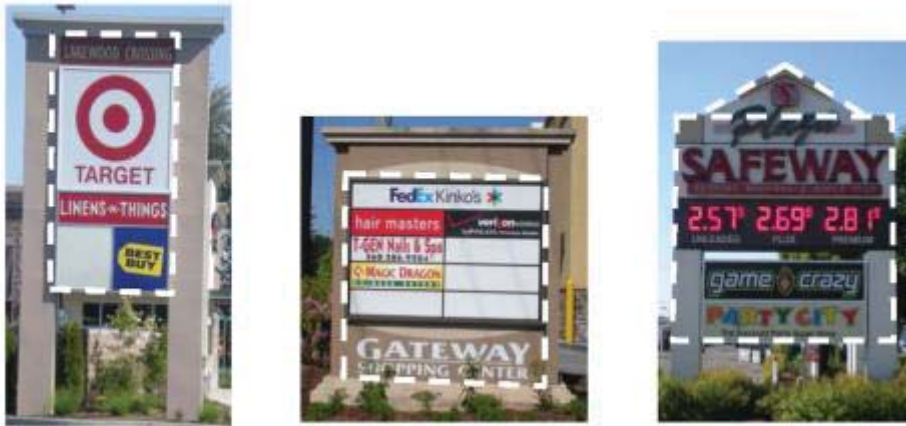


This illustrates the areas to be included within the calculation of a sign area.

(c) For a freestanding sign, the sign area shall include the frame, if any, but shall not include:

- (i) A pole or other structural support unless such pole or structural support is internally illuminated or otherwise designed so as to constitute a display device, or a part of a display device.
- (ii) Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, such as landscaping and building or structural forms complementing the site in general.

Figure 2: Freestanding Sign Area – Examples of Area Calculations



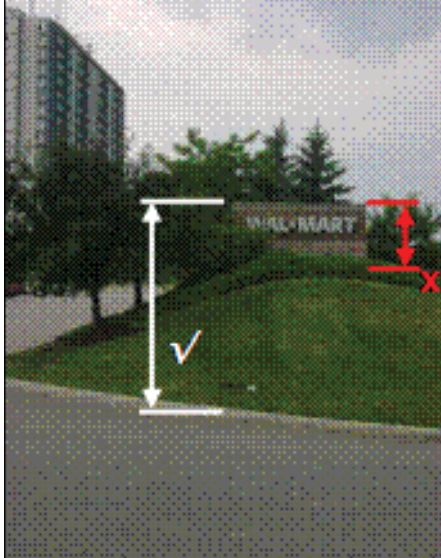
The dashed line indicates the sign area

(d) When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two faces.

(2) Determining Sign Height.

(a) The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground to the highest point of the sign. A freestanding sign on a manmade base, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of any pavement curb.

(b) Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.



The height of a sign is measured from the grade of the street level where the sign is viewed; not from the top of the mound

(3) Determining Building Frontages and Frontage Lengths.

(a) Building Unit. The building unit is equivalent to the tenant space. The primary frontage of the tenant space on the first floor shall be the basis for determining the permissible sign area for wall signs.

(b) Primary and Secondary Frontage.

(i) Primary Frontage. Primary frontage shall be considered the portion of any frontage containing the primary public entrance(s) to the building or building units.

(ii) Secondary Frontage. Secondary frontage shall include those frontages containing secondary public entrances to the building or building units and all building walls facing a public street, primary parking area, or drive aisle that are not designated as the primary building frontage by subsection (3)(b)(i) of this section.

(4) Building Frontage.

(a) The primary or secondary frontage shall be all walls parallel, or nearly parallel, to such frontage, excluding any such wall determined by the community development director to be clearly unrelated to the frontage criteria.

(b) The frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

(5) Determining Street Frontage.

(a) Street frontage shall be determined by measuring the lineal feet of property abutting the public street from which a property obtains primary access.

(b) For developments located along more than one public street, the street frontage shall be determined by measuring the lineal feet of property abutting all public streets.

(c) Alley frontage shall not be included in determining street frontage.

(d) Properties abutting Interstate 5, and not abutting a public street, shall have the street frontage determined by measuring the lineal feet of property abutting Interstate 5. (Ord. 3093 § 2, 2018; Ord. 2898 § 3, 2012; Ord. 2852 § 10 (Exh. A), 2011).

22C.160.150 Development standards – Residential zones. 

In addition to all other provisions of this chapter, the following development standards apply in residential zones:

(1) The total combined area of all nonexempt signs on any lot in a residential zone shall not exceed nine square feet, except as provided in subsections (7) through (12) of this section.

(2) All dwelling units in residential districts shall display house numbers readable from the street.

(3) Illumination from or upon signs shall be shaded, shielded, directed or reduced so that the light intensity or brightness does not affect the enjoyment of residential property in the vicinity in any substantial way.

(4) Freestanding pole, or pylon, signs are prohibited.

(5) Roof signs are prohibited.

(6) No sign shall be located closer than 10 feet to an internal property line unless attached to a fence. Signs attached to fences shall not extend higher than the fence and shall not create sight distance obstruction or any other safety hazard.

(7) Each entrance to a subdivision or multifamily development may have a monument sign up to 32 square feet in area, per face, or two single-faced signs of not more than 16 square feet each. These signs shall be located outside the public right-of-way so as not to create a visual obstruction for motorists or pedestrians. The height of such signs shall not exceed five feet.

(8) Existing recreation/cultural land uses (i.e., park, community center, library, church, etc.) and education services (i.e., public and private schools), not reviewed through the conditional use provisions outlined in subsection (10) of this section, may have one monument sign per street frontage up to 32 square feet in area, per face. The height of such signs shall not exceed five feet and shall comply with the development standards outlined in MMC [22C.160.170](#). In addition, a maximum of 32 square feet of permanent wall signage shall be allowed on the primary and secondary building frontage(s). Wall signs shall comply with the development standards outlined in MMC [22C.160.160](#).

(9) Home occupation, day care and adult family home signs shall not exceed three square feet and shall be wall signs, monument signs or mounted to a fence. Signs mounted to a fence shall comply with the provisions outlined in subsection (6) of this section.

(10) Signs for conditional uses permitted in residential zones shall be approved as part of the applicable conditional use permit and shall not be otherwise restricted by the provisions of this section.

(11) Temporary sale signs (garage sale, estate sale, etc.) may be displayed no more than three days prior to the event and shall be removed 24 hours after the event is completed. There shall be no more than two such events advertised for any residence per year.

(12) Real estate for sale or for rent signs are permitted pursuant to MMC [22C.160.230](#)(5) and (6). (Ord. 2852 § 10 (Exh. A), 2011).

22C.160.160 Development standards – Wall signs.

(1) The basic allowance for wall signs shall be limited to one and one-half square feet of sign area for each lineal foot of primary building frontage for illuminated signs, or two square feet of sign area for each lineal foot of primary building frontage for nonilluminated signs.

(2) Each tenant is allowed a minimum sign area of 32 square feet.

(3) Each tenant may have multiple wall signs placed on the primary or secondary building frontage(s), so long as the total wall signage does not exceed the allowances outlined in subsection (1) of this section.

(4) The community development director may allow wall signage to be placed on wall(s) which do not qualify as primary or secondary frontages, subject to the following criteria:

(a) It must be demonstrated that the wall signage would be visible from a public right-of-way;

(b) The wall signage must be comprised of individual letters;

(c) The letter and logo height shall not exceed 24 inches;

(d) Signs shall be nonilluminated;

(e) The wall signage shall comply with the design standards outlined in subsections (5) through (8) of this section;

(f) In multi-use complexes, said signs shall be mounted so that each tenant's wall sign will be located at the same level (height above grade) as other tenants' signs;

(g) The total wall signage for all frontage(s) shall not exceed the allowances outlined in subsection (1) of this section.

(5) The wall signage shall not exceed two-thirds of the overall frontage for the building or tenant(s) frontage, as applicable.

(6) The wall signage shall not encroach within three feet from the edge of the building or tenant(s) frontage, as applicable.

(7) Wall signs shall not extend above the building parapet, soffit, eave line, or roof of the building.

(8) The color, shape, material, lettering and other architectural details shall be harmonious with the character of the primary structure. No angle irons, guy wires, or braces shall be visible except those that are an integral part of the overall design.

(9) The following additional wall signs may be permitted:

(a) Projecting signs are permitted, in addition to the allowances for wall signs, when designed and placed for the purpose of identifying the business(es) to pedestrians walking along the same side of the street as the business they seek or under a continuous rain canopy projecting from the building, subject to the following criteria:

(i) Clearance: Shall clear sidewalk by eight feet.

(ii) Projections: Shall not project more than five feet from the building facade, unless the sign is a part of a permanent marquee or awning over the sidewalk. Vertically oriented signs shall not project more than three feet from the building facade. In no case shall a projecting sign be placed within two feet of the curb line.



(iii) Size: Shall not exceed an area of two square feet per each 10 lineal feet of applicable primary building frontage.

(iv) Height: Shall not extend above the building parapet, soffit, eave line, or the roof of the building, except for theaters.

(v) Spacing: 20 feet minimum separation.

(vi) Design: The color, shape, material, lettering and other architectural details shall be harmonious with the character of the primary structure. No angle irons, guy wires, or braces shall be visible except those that are an integral part of the overall design.

(b) Building Directory. In addition to the wall signs otherwise permitted by these regulations, an additional sign may be permitted up to a maximum of 10 square feet for the purpose of identifying upper floor tenants or first floor tenants that do not have outside building frontage. (Ord. 2898 § 4, 2012; Ord. 2852 § 10 (Exh. A), 2011).

22C.160.170 Development standards – Freestanding signs. [SHARE](#)

(1) The basic allowance for freestanding signs shall be limited to one square foot of sign area for each lineal foot of street frontage not to exceed 200 square feet of sign area



per street frontage and 75 square feet per sign face.

(2) The maximum height of freestanding signs is outlined in Table 1; provided, that monument signs shall not exceed 12 feet in height. Additionally, when the regulations of a subarea, master plan or special overlay district conflict, unless specifically indicated otherwise, the regulations of the subarea, master plan or special overlay district shall supersede the height requirements outlined in Table 1.

Table 1: Freestanding Signs – Maximum Height

Zoning District									
NB	CB	GC	DC	MU	BP	LI	GI	REC	P/I
4 feet	25 feet	25 feet	15 feet	12 feet	25 feet	25 feet	25 feet	4 feet	15 feet

(3) No portion of a freestanding sign shall be in, or project over, a public right-of-way, and the minimum setback shall be five feet, subject to sight distance review at intersections and driveways.

(4) Single-occupancy complexes are allowed one freestanding sign per street frontage.

(5) Multi-occupancy complexes are allowed one freestanding sign per access driveway for the complex. However, multi-occupancy complexes with only one access driveway shall be allowed one additional freestanding sign, as long as the freestanding sign advertises a different business or businesses located on site and can be spaced at least 150 feet apart.

(6) All pole, or pylon, sign supports shall be enclosed or concealed in accordance with the design criteria outlined in subsection (10) of this section.



(7) Pole, or pylon, signs are prohibited in the NB, MU and REC zones.

(8) Pole, or pylon, signs are prohibited in the commercial and industrial zones located along the 88th Street NE, 116th Street NE, 156th/152nd Street NE and 160th Street NE corridors.

(9) Pole, or pylon, signs are prohibited on CB zoned properties located adjacent to 64th Street NE (SR 528) and 84th Street NE from approximately 83rd Avenue NE to SR 9.

(10) The base of a freestanding sign and all pole or pylon sign supports shall be constructed of landscape materials, such as brick, stucco, stonework, textured wood, tile, textured concrete, or other quality materials as approved by the director, and shall be harmonious with the character of the primary structure. This limitation does not apply to structural elements that are an integral part of the overall design such as decorative metal or wood.

(11) The color, shape, material, lettering and other architectural details of freestanding signs shall be harmonious with the character of the primary structure.

(12) No angle irons, guy wires or braces shall be visible except those that are an integral part of the overall design.

(13) One square foot of landscaping is required per one square foot of sign face. Landscaping shall include a decorative combination of ground cover and shrubs to provide seasonal interest in the area surrounding the sign. Landscaping shall be well maintained at all times of the year. The community development director may reduce the landscaping requirement where the signage incorporates stone, brick, or other decorative materials. (Ord. 3093 § 3, 2018; Ord. 2983 § 2, 2015; Ord. 2852 § 10 (Exh. A), 2011).

22C.160.180 Development standards – Electronic message, animated and changeable copy signs.



(1) Changeable copy by nonelectronic means may be utilized on any permitted nontemporary sign.

(2) Animated signs are prohibited.

(3) One electronic message or changeable copy sign is permitted per street frontage for single-occupancy complexes. Multi-occupancy complexes with only one access driveway shall be allowed one additional electronic message or changeable copy sign, as long as the signs are spaced at least 150 feet apart.



(4) Electronic message signs are permitted; provided, that the copy does not change more than once every 20 seconds.

(5) Electronic message and changeable copy signs shall not exceed 30 percent of the sign area.

(6) All electronic message and changeable copy signs shall be constructed as an integral part of a permanent sign constructed on site. "Integral" shall be considered to mean that the electronic message or changeable copy is incorporated into the framework and architectural design of the permanent sign.

(7) All electronic message signs are required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night. (Ord. 2983 § 3, 2015; Ord. 2852 § 10 (Exh. A), 2011).

22C.160.190 Development standards – Instructional signs. [SHARE](#)

(1) Instructional or directional signs shall be permitted in addition to all other signs, when they are of such size and location as to satisfy the intended instructional purpose and, based on their size, location, and intended purpose, will not constitute additional advertising.

(2) Instructional signs shall not exceed six square feet per sign and may include the name of the business and logos.

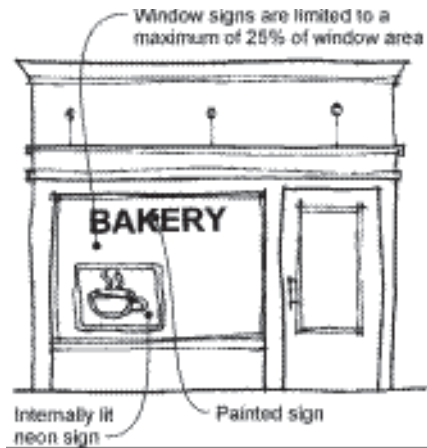


(Ord. 2852 § 10 (Exh. A), 2011).

22C.160.200 Development standards – Window signs. [SHARE](#)

(1) Permanent window signs shall not exceed 25 percent of the area of a window, and the total area of all window signs, including both permanent and temporary, shall not exceed 50 percent of the window area.

(2) Window signs constructed of neon, stained glass, gold leaf, cut vinyl, and etched glass are allowed. Painted signs shall display the highest level of quality and permanence, as determined by the community development director.



(Ord. 2852 § 10 (Exh. A), 2011).

22C.160.210 Development standards – Blade/bracket signs. [SHARE](#)

Blade/bracket signs are allowed for commercial uses, subject to the following criteria:

(1) Projection. Blade signs may project up to three feet. Bracket signs shall have one foot minimum between the sign and the outer edge of the marquee, awning, or canopy and between the sign and the building facade.



(2) Clearance. Blade/bracket signs shall maintain a minimum clearance of eight feet between the walkway and the bottom of the sign.

(3) Dimensions. Blade signs shall not exceed six square feet in area. Bracket signs shall not exceed two feet in height.

(4) Mounting. Blade signs must avoid covering or modifying windows or other architectural features.

(5) Spacing. There shall be 20 feet minimum separation between blade/bracket signs.

(6) Design. The color, shape, material, lettering and other architectural details shall be harmonious with the character of the primary structure. No angle irons, guy wires or

braces shall be visible, except those that are an integral part of the overall design. (Ord. 2852 § 10 (Exh. A), 2011).

22C.160.220 Development standards – Gas stations, convenience stores, car washes and similar uses. 

(1) Signage shall be an integral design element of a project and compatible with the exterior architecture with regard to location, scale, color and lettering.

(2) Sign colors and materials shall match those of the building or the “corporate colors.” Opaque or muted sign backgrounds with cabinet-type signs are encouraged.

(3) No commercial signage shall occupy the pump island area. All instructional signs shall be architecturally integrated.

(4) Gasoline price signs shall be architecturally integrated with other signs or structures. (Ord. 2852 § 10 (Exh. A), 2011).

22C.160.230 Development standards – Temporary and special event signs.



(1) Construction Signs. Construction signs, which identify the architects, engineers, contractors or other individuals or firms involved with the construction of a building and announce the character of the building or the purpose for which the building is intended, are permitted subject to the following criteria:

(a) Such signs may be displayed only after a building permit is obtained and during the period of construction on the construction site.

(b) Only one sign is permitted per street frontage.

(c) No construction sign shall exceed 32 square feet per face.

(d) No construction sign shall exceed 12 feet in height.

(e) Construction signs shall be set back a minimum of 10 feet from an interior property line.

(f) Construction signs shall be removed by the date of first occupancy of the premises or upon expiration of the building permit, whichever first occurs.

(2) Grand Opening Displays. Temporary signs, posters, banners, strings of lights, clusters of flags, balloons, searchlights and beacons are permitted for a period not to exceed 60 days per calendar year to announce the opening of a completely new enterprise or the opening of an enterprise under new ownership. All such signs and materials shall be located on the premises being advertised and shall be completely removed immediately upon expiration of said 60-day period.

(3) Special Sales and Events. Temporary signs, posters, banners, strings of lights, clusters of flags, balloons, searchlights and beacons are permitted for the limited purpose of announcing a retail sale or special event in business or commercial zones, but not on a routine basis. All such advertising material shall be located on the premises being advertised and shall be removed immediately upon expiration of said special sale or event.

(4) Quitting Business Sales. Temporary signs, posters and banners are permitted for a period of 90 continuous days for the purpose of advertising quitting business sales, liquidation sales, or other events of a similar nature, which are authorized pursuant to Chapter [5.52](#) MMC, Closing-Out and Special Sales. All such signs shall be located on the premises being advertised and shall be removed immediately upon expiration of the 90-day period or conclusion of the sale, whichever first occurs.

(5) On-Premises Commercial or Real Estate Signs. All exterior real estate signs must be of a durable material. Only the following real estate signs are permitted:

(a) Residential for sale or rent signs. Signs advertising residential property for sale or rent shall be limited to one single-faced or double-faced sign per street frontage. Such signs shall not exceed four square feet per face and must be placed wholly on the subject property. Such signs may remain up for one year or until the property is sold or rented, whichever first occurs. A sold sign may remain up for 10 days after the occupancy of the residential property.

(b) Commercial or industrial for sale or for rent signs. Signs advertising commercial or industrial property for sale or rent shall be limited to one single-faced or double-faced sign per street frontage. Signs may be displayed while the property is actually for sale or rent. The signs shall not exceed 32 square feet per face. If freestanding, the signs shall not exceed 12 feet in height and shall be located a minimum of 10 feet from any abutting interior property line and wholly on the property for sale or rent.

(c) Subdivision signs. Signs advertising residential subdivisions shall be limited to one single-faced or double-faced sign per street frontage. Such signs shall not exceed 32 square feet per face and shall not exceed 12 feet in height. They shall be set back a minimum of 10 feet from any abutting interior property line and shall be wholly on the property being subdivided and sold.

(6) Portable Commercial or Real Estate Signs. Temporary signs advertising business locations or the sale or lease of commercial or residential premises are permitted only as follows:

(a) Number. The number of temporary portable commercial, real estate, and construction signs allowed shall be as follows; provided, that nothing herein shall be construed as authorizing the display of signs otherwise prohibited under applicable provisions of this code:

(i) For any business or real estate unit located in the NB, CB, GC, DC, MU, BP, LI, GI, REC, P/I, WR-MU or WR-CB zoning districts, no more than one temporary portable commercial or real estate sign shall be allowed for each business location or real estate unit offered for sale or lease; provided, that a maximum of one temporary portable sign shall be allowed for any multi-unit complex notwithstanding the number of rental or dwelling units therein currently available for sale or lease, subject to the following location criteria:

(A) Location. Temporary portable commercial or real estate signs shall be located within 12 feet of the applicable building entrance and maintain at least eight feet of horizontal clearance on the sidewalk for pedestrian movement.

(ii) For any business or real estate unit located in the R-4.5, R-6.5, R-8, R-12, R-18, R-28, WR-R-4-8 or WR-R-6-18 zoning districts, no limit established on the number of allowed signs, but signs may only be placed at turning/decision points within the public right-of-way, and only one each at each such location.

(b) Size. Commercial and real estate temporary portable signs shall not exceed 10 square feet per sign face, and no such sign shall contain more than two sign faces. Commercial and real estate temporary portable signs shall not exceed six feet in height, measured from the pre-existing ground level to the top of the sign.

(c) Location. No temporary portable commercial or real estate sign shall be located within vehicle lanes, bikeways, trails, sidewalks or median strips. No temporary portable commercial or real estate sign shall block driveways or be affixed to utility poles, fences, trees or traffic signs. No temporary portable commercial or real estate sign shall be strung between trees.

(d) Festoons Prohibited. The use of balloons, festoons, flags, pennants, lights or any other attached display on a commercial or real estate temporary portable sign is prohibited.

(e) Animation Prohibited. No commercial or real estate temporary portable sign shall be displayed while being rotated, waved, or otherwise in motion.

(f) Duration. Commercial temporary portable signs may be displayed only during daylight hours and when the commercial establishment to which they relate is open for business. Real estate temporary portable signs may be displayed only during daylight hours and when the real estate to which they relate is the subject of an open house or when a complex manager is available to show the unit.

(7) Political Signs. A sign which exclusively and solely advertises a candidate or candidate's public elective office, a political party, or promotes a position on a public, social, or ballot issue may be displayed in accordance with the following restrictions:

(a) On-Premises Signs. On-premises political signs located at the headquarters of a political party, candidate for public elective office, or a public issue decided by ballot are permitted. All on-premises political signs shall comply with the dimensional and location requirements of the zoning district in which it is located.

(b) Off-Premises Signs. Permits for political signs are not required.

(i) Location. Political signs may not be placed on private property without the permission of the property owner. In parking strips and public rights-of-way where the placement of a political sign may be fairly attributed to a neighboring property owner, permission of that owner must first be obtained prior to placement. Political signs may not be located so as to impede driver vision or represent an obstruction or hazard to vehicular or pedestrian traffic.

(ii) Prohibited on Public Property. It is unlawful for any person to paste, paint, affix or fasten any political sign on a utility pole or on any public building or structure. No political sign placed within the public right-of-way shall create a safety hazard for pedestrians or motorists, as determined by the police chief and/or city engineer.

(iii) Time Limitations. Political signs advertising a candidate for election or promoting a position on a ballot issue shall be removed within seven days following an election.

(iv) Responsibility for Compliance. The person(s) placing the political sign and the political candidate and/or campaign director shall be jointly responsible for compliance with this section.

(8) Land Use Action Notice. Where required pursuant to Chapter [22G.010](#) MMC, Article II, Public Notice Requirements, public notice signs which describe proposed land use actions and public hearing dates are permitted.

(9) Signs on Kiosks. Temporary signs on kiosks are permitted but the signs shall not exceed four square feet in area.

(10) Temporary Uses and Secondary Uses of Schools, Churches, or Community Buildings. Temporary signs relating directly to allowed temporary uses under the city's development regulations and secondary uses of schools, churches, or community buildings may be permitted for a period not to exceed the operation of the use, subject to the following requirements:

(a) Signs must be portable in nature.

(b) No more than one on-premises sign and one off-premises sign shall be permitted per temporary use.

(c) No sign shall exceed 10 square feet per sign face.

(d) Maximum sign height shall be six feet measured from the pre-existing ground level to the top of the sign.

(e) Signs shall not be portable readerboard types, electrical or neon. Only indirect lighting is allowed.

(f) A-board or sandwich signs may be used in compliance with this subsection, provided they are used only during the days the temporary or secondary use occurs and are removed after the use ceases for each day.

(g) Signs shall be secured with an approved tie-down.

(h) Signs shall be approved by the community development director before they are used. If a temporary use permit is required, this review shall take place as part of the temporary use application decision.

(11) Alcohol Advertising. Alcohol advertising shall comply with the provisions outlined in Chapter [314-52](#) WAC, Advertising, as amended.

(12) Any temporary sign not otherwise provided for under subsections (1) through (11) of this section shall comply with the development standards outlined in this chapter.

(13) Removal. The community development director or designee may immediately remove and dispose of unlawful temporary and special event signs at the expense of the person identified on such signs and/or the owner of the property on which said signs are located. (Ord. 2852 § 10 (Exh. A), 2011).

22C.160.240 Nonconforming signs.

(1) All existing signs in the city that were legally permitted and are not in compliance with the requirements of this chapter upon the effective date of the ordinance codified in this title are considered nonconforming signs. Nonconforming signs shall be made to conform with the requirements of this chapter under the following circumstances:

(a) When any new sign for which a sign permit is required by this chapter is proposed to be installed on a business site where a nonconforming sign or signs are located, one nonconforming sign of similar type as the proposed sign shall be removed or brought into conformance with this chapter for each new sign installed on a business site. For example, one existing nonconforming freestanding sign would need to be removed or brought into conformance for each new freestanding sign installed on a business site. A business site shall be considered both single-tenant and multi-tenant complexes. In no case shall an applicant be permitted signage that exceeds the maximum signage allowed in this chapter.

(b) A sign is relocated, altered, replaced, or changed in any way, including the sign structure or conversion of fixed copy to an electronic message center. This provision does not include a change in the face of the sign or advertising copy.

(c) A sign requires repairs beyond normal maintenance.

(d) Whenever the occupancy classification of a building is changed that results in an intensification of land use, as determined by the community development director.

(2) Normal maintenance such as cleaning, painting, light bulb replacement, or repair of broken placards, without any change in copy, is allowed so long as the repairs do not modify the sign structure or copy, or in any way structurally alter the sign. "Normal maintenance" does not include any of the items contained in subsection (1) of this section.

(3) All temporary and special events signs that do not conform to the requirements of MMC [22C.160.230](#) shall be removed within six months of the effective date of the ordinance codified in this title or, if located within an area being annexed to the city, within six months of the effective date of annexation, whichever is later. (Ord. 2983 § 4, 2015; Ord. 2852 § 10 (Exh. A), 2011).

22C.160.250 Amortization for billboard signs.

(1) Compliance. Any legal nonconforming billboard sign located within the corporate limits of the city shall be discontinued and removed from the property pursuant to this section no later than three years from the date of adoption by ordinance.

(2) Notice. The city will provide written notice of the expiration of the amortization period, as noted above, to the person, resident, or business responsible for such sign(s) at the last known address and to the owner of the property on which the sign is located. The city will utilize the tax assessor's office to find the latest, updated address for the property owner(s) in question. Such notice will be provided by mail, postmarked no later than nine months prior to expiration of the amortization period.

(3) Request for Consideration/Extension. The city has established the time period stated in subsection (1) of this section with the understanding that these time periods provide a reasonable time to recover the life expectancy of most signs. However, the city recognizes that there can be special or unusual circumstances that may fall outside of those parameters.

(a) Any person aggrieved by the imposition of the amortization clause may request review of the clause. The request for review shall be filed with the city not later than six months prior to the expiration of the amortization period. The review shall be heard by the hearing examiner. A fee will be charged based on the processing costs as provided in Chapter [22G.030](#) MMC.

(b) The aggrieved applicant has the burden of establishing the unreasonableness of the amortization period and must provide substantial evidence showing that the amortization period is unreasonable.

(c) The hearing examiner shall consider such things as lease obligations, remaining period of life expectancy of the nonconformance, depreciation, and the actual amount invested in the nonconforming sign.

(d) The hearing examiner shall consider the preservation and improvement of the city's physical environment, natural amenities, and desirable characteristics of the city as asserted in the purpose of the city's land use regulations as well as the goals and policies adopted in the city's comprehensive plan. The hearing examiner may consider any combination of these legitimate public concerns.

(e) The hearing examiner shall conduct a balancing of interest, considering the interest and hardship as to the applicant, and whether the hardship to the applicant reasonably overbalances the benefit that the public would derive from the termination of the nonconformance. If, after careful consideration, the hearing examiner determines that the amortization period, as applied to the applicant's nonconformance, would result in a greater hardship to the applicant than benefit to the public, the hearing examiner may extend the amortization period to a point in time when the balancing of interest would support the termination of the nonconformance. In no event should this amortization period be greater than three additional years.

(4) Annexations. Any legal nonconforming billboard on property annexed into the city at a later date shall be discontinued and removed within three years of the annexation or according to the annexation agreement established at the time of annexation. A three-year time extension may be approved by the hearing examiner, subject to the provisions contained in subsection (3) of this section. (Ord. 2852 § 10 (Exh. A), 2011).

22C.160.260 Bonus allowance for outstanding design. 

(1) Purpose. A maximum 50 percent sign area bonus and a maximum 25 percent height bonus shall be allowed under any of the following circumstances:

(a) There are exceptional circumstances or conditions, such as location of existing structures, lot configuration, topographic or unique physical features, that apply to the subject property which prohibit sign visibility.

(b) New developments greater than 10 acres in size that wish to consolidate the allowable signage. A minimum of two signs will be required to be consolidated for a bonus consideration.

(c) Contiguous or multi-tenant properties sharing the same street frontage that wish to consolidate allowable signage. A minimum of two signs will be required to be consolidated for a bonus consideration.

(2) Procedures. A request for a bonus allowance may be granted by the community development director subject to the approval criteria outlined in subsection (3) of this section. Appeal or request for reconsideration of the director's decision shall be made to the hearing examiner as an open record hearing in accordance with Chapter [22G.010](#) MMC, Article VIII, Appeals.

(3) Approval Criteria. A bonus will be approved if the community development director finds that the criteria below are met:

(a) The adjustment will not significantly increase or lead to street level sign clutter, to signs adversely dominating the visual image of the area, or to a sign that will be inconsistent with the objectives of a subarea master plan or special overlay district.

(b) The adjustment will not create a traffic or safety hazard.

(c) The adjustment will allow a unique sign of exceptional design or style that will:

(i) Achieve a positive and tasteful image;

(ii) Have good legibility;

(iii) Exhibit technical competence and quality in design, construction, and durability, and have standard details uncluttered by wires, angles, or other elements that detract from the appearance;

(iv) Relate to architectural features rather than obscure or disregard building planes;

(v) Present a harmonious relationship to other graphics and street furniture in the vicinity;

(vi) Be of a size that is in scale with the setting, building, or structure where located; and

(vii) Avoid glare.

(4) Application Requirements. An applicant requesting a bonus allowance under the provisions of this chapter shall submit the following:

(a) A letter in memorandum form outlining how the request is consistent with the criteria of this subsection.

(b) A site plan that is accurately drawn to an engineered scale that includes the following information:

- (i) Boundaries and dimensions of the site;
- (ii) Location of buildings, parking areas and adjacent streets;
- (iii) Graphic representations of all existing signs including their size, height and placement on the site;
- (iv) Graphic representation of the proposed sign(s) subject to the request; and
- (v) Building elevation showing the placement of the sign on that elevation, if applicable.

(5) Timing. The community development director or designee shall render a written decision on the requested bonus for outstanding design within 10 business days of submittal of all required elements and filing fee.

(6) Variance Required. Requests that exceed the 50 percent sign area bonus and 25 percent height bonus, those that do not comply with the purpose outlined in subsection (1) of this section, or those not related to allowable sign height or sign area shall be processed as a variance in accordance with MMC [22C.160.270](#). (Ord. 2852 § 10 (Exh. A), 2011).

22C.160.270 Variances.

Any person may apply for a variance from the requirements of this chapter. Sign variances shall be processed by the hearing examiner pursuant to the procedure set forth in Chapter [22G.060](#) MMC. Variance applications shall be processed pursuant to the review procedures outlined in Chapter [22G.010](#) MMC. A fee will be charged based on processing costs as provided for in Chapter [22G.030](#) MMC. In making any decision on a variance application, the permit authority must adopt findings of fact and conclusions based on those findings that address whether or not the application meets the following criteria for approval:

- (1) The variance does not conflict with the purpose and intent of the sign regulations;
- (2) The variance shall not constitute a grant of special privilege inconsistent with the limitation upon signage of other properties that have had to conform to the provisions of this chapter;
- (3) There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that are not contemplated or provided for by this chapter;
- (4) The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and



Sign Regulation

This page provides a general overview of sign regulation in Washington State after the *Reed v Gilbert* court decision, including examples of post-*Reed* comprehensive sign codes and temporary sign regulation approaches.

For a list of key court decisions on this topic, see [Sign Regulation Court Decisions](#).

Overview of *Reed v. Gilbert*

The U.S. Supreme Court decision, *Reed v. Gilbert* (2015), prompted the need for most local governments to redraft their sign codes, because the typical method of regulating signs by content-type (such as political, ideological, directional, etc.) was deemed unconstitutional.

In *Reed*, the U.S. Supreme Court held that a town sign code that treats various categories of signs differently based on the information they convey violates the First Amendment. The town's sign code defined categories of temporary signs based on their message (e.g., directional, political, or ideological) and then subjected each category to different restrictions—for example: permissible size, number of signs, and duration of display.

The court held that the sign code provisions were content-based regulations of speech that did not survive strict judicial scrutiny because the town did not demonstrate that the code's differentiation between temporary directional signs (the type of sign at issue in the case) and other types of signs furthers a compelling governmental interest and is narrowly tailored to that end.

For more details about the *Reed* decision and the Constitutional analysis, see the MRSC blog post, [US Supreme Court Issues Significant Sign Code Decision](#).

Note on Commercial Signs

Subsequent court decisions have held that the *Reed* holding does not extend to the regulation of commercial signs. As such, when reviewing challenges to regulation of commercial signs, courts will apply the four-part intermediate scrutiny analysis introduced in *Central Hudson Gas & Elec. Corp. v. Pub. Serv. Comm'n* (1980). See *Contest Promotions v. City and County of San Francisco* (2017) and this MRSC blog post, [Ninth Circuit Holds Reed v. Town of Gilbert Does Not Extend to Commercial Speech](#). See also a review of significant state and federal cases addressing commercial sign regulation on our page, [Sign Regulation Court Decisions](#).

Content-Neutral Approaches to Sign Regulation

The primary takeaway of the *Reed* case is that local regulation of non-commercial signs must be content-neutral and that a sign code (or the enforcement of a sign regulation) will be subject to “strict scrutiny” judicial review if it applies different standards based on a sign’s content.

Many jurisdictions in Washington State have redrafted their sign regulations to focus on a sign’s physical and other non-content-based attributes, rather than content-based categories that had been typical in codes, such as whether a sign is political or ideological in nature. Factors considered in a content-neutral “time, place, or manner” approach may include:

- Location, such as commercial vs. residential locations, zoning districts, or placement in public right-of-way
- Dimensions, such as size and height
- Type of structure (for example, freestanding signs, monument signs, permanent façade signs, banner signs, and inflatable roof signs)
- Materials
- Number of signs allowed
- Maximum square footage
- Illuminated or not
- Fixed message signs vs. signs with changing messages (electronic or otherwise)
- Moving parts
- Portability (for example, A-frame or sandwich board signs)
- Condition of sign (abandoned, dilapidated, etc.)

Practice Tip

If your jurisdiction has not updated its sign code following the *Reed* decision, use caution in enforcing your existing sign regulations—especially against placement of any type of non-commercial signs. We recommend you consult your agency attorney prior to taking enforcement actions.

Examples of Comprehensive Sign Codes

Below are several examples of comprehensive sign codes regulating a variety of sign types and features (e.g., permanent, temporary, illuminated, digital, memorials, public/governmental, etc.) that were adopted after *Reed*. Note that MRSC does not attest to their compliance with *Reed* and the state and federal constitutions, however they do reflect different jurisdictions’ approaches to addressing the decision. Following these examples is a more detailed review of various temporary sign code provisions.

- [Bremerton Municipal Code Ch. 20.52](#)
- [Covington Municipal Code Ch. 18.55](#) - See also [Ordinance No. 08-2018](#) (2018)
- [Fircrest Municipal Code Ch. 22.26](#) - See also [Resolution No. 17-04](#) (2017) providing recommendations for approval from the planning commission and [Sign Code Update Comparison Table](#), along with the final [Ordinance No. 1598](#) (2017)
- [Gig Harbor Municipal Code Ch. 17.80](#)

- [Milton Municipal Code Ch. 17.50](#) - See also [Ordinance No. 1938-18](#) (2018)
- [Port Orchard Municipal Code Ch. 20.132](#) - See also [Ordinance No. 024-17](#) (2017)
- [Rainier Municipal Code Sec. 18.48.130](#)
- [Sammamish Municipal Code Ch. 21B.45](#)
- [Spokane Ordinance No. C35577](#) (2018)
- [Yakima Municipal Code Ch. 15.08](#)
- [Wenatchee Municipal Code Ch. 10.50](#)

Regulation of Temporary Signs (Including Political Signs)

The area of sign regulation most impacted by the *Reed* decision is the regulation of temporary signs—and more specifically, non-commercial temporary signs. This is generally inclusive of political, ideological, temporary event, community, and directional signs.

The *Reed* decision must be harmonized with Washington State law limiting certain restrictions on placement of political signs. In *Collier v. Tacoma* (1993), the Washington State Supreme Court struck down as unconstitutional a 60-day pre-election durational limit on political signs. The same court also held that political signs must be allowed in the parking strip area of the public right-of-way (the area between public streets and public sidewalks) because it is a traditional public forum. Post-*Reed* sign regulations should therefore allow all non-commercial temporary signs that would be inclusive of political signs in the same manner. For further information, see this blog post, [Regulating Non-Commercial Temporary Signs During Election Season](#), and the more detailed review of [Temporary Signs within Rights-of-Way and on Public Property](#) following the examples below.

Examples

Local governments have demonstrated a variety of creative approaches to regulating temporary signs in a way intended to withstand constitutional challenges. Below are some examples highlighting interesting features of the regulations. Note that methods and examples of regulating temporary signs in public rights-of-way and on public property are covered in more detail in the section below on [Temporary Signs within Rights-of-Way and on Public Property](#).

- [Wenatchee Municipal Code Sec. 10.50.160](#)
 - Expressly states, “The content of temporary signs is not regulated”
 - Offers a detailed purpose section ([Sec. 10.50.010](#)): “To preserve the right of free speech exercised through the use of signs containing noncommercial messages”
 - Provides graphic representation of six different types of temporary signs (e.g., large freestanding, small freestanding, wall banner, street banner, a-frame, etc.), followed by the “time, place, manner” regulations for each type
 - Defines “noncommercial signs” and “noncommercial speech signs”
 - Includes different standards for certain commercial signs on property associated with activities, such as residential real estate sales, construction, and exterior events
- [Oak Harbor Ordinance No. 1809](#)
 - Provides graphic representation of 13 types of temporary signs, labeling them as Type A, Type B, etc.

- Offers a matrix showing each sign type and including a short description of how each type is regulated by time, place, and manner (size, materials, installation)
- Includes both quantity and quality standards
- **Maple Valley Municipal Code Sec. 18.50.010** – Distinguishes between non-commercial temporary and commercial temporary signs. City continues to regulate differently based on the type of commercial activity or event that the sign is advertising (e.g., real estate, garage/yard sale, special sale, etc.).
- **Seattle Municipal Code Sec. 23.55.012** – Allows eight square feet of temporary signs per residence without limitation of duration. Allows additional signage, up to 32 square feet (for rigid signs), up to four times per year for 14 consecutive days.

Temporary Signs within Rights-of-Way and on Public Property

As described above, under the Washington State Constitution, political or campaign signs must be allowed within the parking strip portion of the public right-of-way (a traditional public forum), and there are limitations on the pre-election durational limits local governments may impose on such signs. See *Collier v. Tacoma* (1993).

After *Reed*, however, political signs should not be “called out” in a sign code or regulated differently than other non-commercial temporary signs. Therefore, local governments must establish standards for all non-commercial temporary signs that take into account Washington state law regarding political signs.

Temporary signs (including political signs) may be prohibited in many portions of the right-of-way including medians, traffic circles, the roadway itself, sidewalks, and areas that would cause safety concerns. In areas of the right-of-way where temporary signs must be allowed (i.e., parking or planting strip), most codes require the adjacent property owner’s consent to place the sign(s). Note that some local governments do prohibit temporary signs in parking strips adjacent to public property (see next section regarding signs on public property).

Regulations generally allow for removal of abandoned or dilapidated temporary signs in the right-of-way.

Temporary Signs on Public Property

Sign codes will generally prohibit placement of non-public temporary signs on public property (and adjacent rights-of-way), unless permitted pursuant to a special event or other permit (such as a street use permit). RCW 42.17A.555 prohibits the use of public facilities to support or oppose a candidate or ballot measure, so placement of temporary political signs on public property could potentially implicate this provision.

Note: This page does not cover the display of hand-held signs, distribution of flyers, etc., on public property.

Examples

Below are some examples of how local governments regulate placement of temporary signs in rights-of-way and public property.

- **Seattle Municipal Code Sec. 23.55.012**
 - Prohibits temporary signs on public property or in planting strips abutting public property
 - Allows temporary signs in planting strip adjacent to private property with owner or occupant consent
- **Everett Municipal Code Sec. 19.36.060**
 - Prohibits temporary signs in rights-of-ways adjacent to public facilities

- Requires abutting owner consent for placement in right-of-way adjacent to private property
 - **Enumclaw Municipal Code Sec. 19.10.210**
 - Sets a 60-day duration for temporary signs, except for temporary signs in the city right-of-way, which must be removed no more than 45-days after the November election
 - Limits areas of right-of-way where signs are permitted and requires abutting owner consent
 - **Gig Harbor Municipal Code Sec. 17.80.110** – Temporary signs are allowed in specific areas of right-of-way designated by the planning director and by permit only. Permits are self-issued stickers and must be current or the signs will be subject to removal.
 - **Yakima Municipal Code Sec. 15.08.11**
 - Temporary signs are to be promptly removed after the event for which it was intended
 - No signs on public property are allowed except as may be authorized through a special event permit
 - **Edgewood Municipal Code Sec. 18.97.240**
 - Approval of abutting property owner is *recommended*, but not required, for placement in right-of-way
 - Only staked signs are allowed in right-of-way except as allowed through a street use permit
-

Recommended Resources

- **MRSC Blog: Posts about Sign Regulation** – Articles written by MRSC staff and contributors about specific aspects of sign regulation, including court decisions and legislation. Articles are listed in reverse chronological order, with the most recent first.
- **Rocky Mountain Sign Law Blog** – Blog dedicated to sign law which summarizes latest case law and issues of interest
- **Sign Research Foundation** – Organization dedicated to fulfilling the educational, research and philanthropic purposes of on-premises signage
- **Scenic America** – National organization whose mission is to safeguard the scenic qualities of America’s roadways, countryside, and communities

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Regulating Non-Commercial Temporary Signs During Election Season

October 14, 2020 by [Jill Dvorkin](#)

Category: [Elections](#), [Sign Control](#)



This blog post originally appeared in 2017 and has since been updated.

"Non-commercial temporary signs"? That's a mouthful! Why not just say political signs??

Well, after the 2015 U.S. Supreme Court decision, *Reed v. Gilbert*, thou shalt not regulate signs by content type. So, jurisdictions have redrafted their non-commercial sign regulations based on a sign's physical and other non-content-based attributes, such as

whether it's permanent or temporary, rather than categories typically seen in codes, such as whether a sign is political or ideological in nature.

MRSC has already written quite extensively [about the *Reed* decision](#) as well as regulation of political (I mean, "non-commercial temporary" signs) [post-*Reed*](#). The purpose of this blog post is to provide a brief refresher of how a jurisdiction may regulate these signs, as well as to provide links to some updated codes that regulate temporary signs post-*Reed*.

Background

Both state and federal courts are highly protective of political speech; therefore, regulations affecting political signs will be subject to the strictest scrutiny. Following *Reed*, this means that other non-commercial signs (formerly categorized as ideological, special event, etc.) that are temporary in nature should be allowed to be placed as liberally as political signs since jurisdictions aren't supposed to distinguish among these signs by content type.

Pre-*Reed* case law established some specific limitations on regulating political signs in Washington State and this remains good law. Below are answers to common questions regarding regulating political signage.

Can a local government place limits on the amount of time before an election that signs can be put up?

Although cities have tried to limit the amount of time before an election that political signs can be placed, the Washington State Supreme Court has held that limiting political signs to 60 days prior to an election is unconstitutional. In *Collier v. Tacoma*, 121 Wn.2d 737 (1993), the state supreme court ruled that it is not constitutional to limit the time in advance of an election that political signs can be posted in the places where political signs are allowed.

Can a local government require that signs be removed within a certain amount of time after an election?

The *Collier* court allowed a 10-day, post-election removal requirement. The court recognized that the rights of political expression do not weigh as heavily after an election, and it determined that the local government's interest in aesthetics and traffic safety outweighed any individual rights.

Note: after *Reed*, this post-election durational limit may be impractical given the difficulty in tracking when the sign was placed. However, it appears to still be legal under *Reed*. The D.C. Circuit Court of Appeals upheld a Washington D.C. regulation that imposed time limits on event signs posted on city lampposts. Even though the regulation requires that you read the sign to enforce it, the court held that the regulation was not targeting the "communicative content" of the sign. So, a regulation that limits how long a temporary sign can remain up following an event might withstand scrutiny under *Reed*. (See the 2016 ruling in *Act Now to Stop War and End Racism Coalition v. District of Columbia*, 846 F.3d 391)

Can a local government prohibit political and other signs in the public right-of-way?

Political signs cannot be prohibited in the areas between the street and sidewalk (or in the unpaved section of the right-of-way where there is no sidewalk), commonly referred to as the "parking strip." However, in our opinion, political signs can be prohibited in the untraveled area of a right-of-way that does not involve parking strips, such as in boulevard medians or in the middle of roundabouts.

May political signs be placed in a parking strip without the consent of the abutting property owner?

No. As a general rule, the public right-of-way, which include parking strips, is only an easement and the underlying property belongs to the abutting property owner. As such, only that property owner or the tenant of the property owner may determine what, if any, political signs are placed in the parking strip.

How Are Washington Jurisdictions Regulating Signs?

We have compiled a number of examples of post-*Reed*/sign code updates on our [Sign Regulation](#) webpage. Jurisdictions have taken different approaches to regulating temporary signs but generally these approaches conform to the content-neutral principles set forth in *Reed* and allow placement of temporary signs in the right-of-way, with some limitations. Many of these codes address, for example, the number of temporary signs allowed and the materials a temporary sign can be made of.

Helpful Tips

If your jurisdiction's code has not yet been updated, staff should avoid enforcing the sign code regulations in a manner that treats non-commercial temporary signs differently based on content. Aside from that, continue to adhere to the limitations that have been in place for quite some time regarding regulating political signs.

Oh, and don't forget to vote!

MRSC is a private nonprofit organization serving local governments in Washington State. Eligible government agencies in Washington State may use our free, one-on-one [Ask MRSC service](#) to get answers to legal, policy, or financial questions.



About Jill Dvorkin

Jill joined MRSC as a legal consultant in June 2016 after working for nine years as a civil deputy prosecuting attorney for Skagit County. At Skagit County, Jill advised the planning department on a wide variety of issues including permit processing and appeals, Growth Management Act (GMA) compliance, code enforcement, SEPA, legislative process, and public records. Jill was born and raised in Fargo, ND, then moved to Bellingham to attend college and experience a new part of the country (and mountains!). She earned a B.A. in Environmental Policy and Planning from Western Washington University and graduated with a J.D. from the University of Washington School of Law in 2003.

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(5) The granting of such variance would not increase the number of signs allowed by this chapter or that would allow a type of sign that is prohibited by this chapter.

Conditions may be imposed upon the application as deemed necessary to ensure compatibility with this chapter. (Ord. 2852 § 10 (Exh. A), 2011).

22C.160.280 Substitution. 

Notwithstanding anything in this chapter to the contrary, noncommercial copy expressing a personal, political, or religious point of view may be substituted for commercial copy on any lawful sign structure. (Ord. 2852 § 10 (Exh. A), 2011).