

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2077

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, ADOPTING A REVISED SIGN CODE, REPEALING THE CURRENT MORATORIUM ON CERTAIN SIGNS, REPEALING CHAPTER 14.43 OF THE SNOHOMISH MUNICIPAL CODE, AND ADOPTING A NEW CHAPTER 14.245 OF THE SNOHOMISH MUNICIPAL CODE.

WHEREAS, the City has adopted sign regulations, which are set forth in Chapter 14.43 of Snohomish Municipal Code; and

WHEREAS, the City Planning Commission and City Council have conducted public hearings related to revised sign regulations; and

WHEREAS, some provisions of the revised sign regulations relate to a moratorium that has been in effect for certain types of signage within the City; and

WHEREAS, citizen and expert testimony at said public hearings included concerns relating to the impacts of electronic and digital signs with changing text, the height and size of certain types of signs, and the proliferation of portable signs such as A-frames in the City of Snohomish; and

WHEREAS, the City Council finds that protection of the public health, safety, and welfare supports the adoption of revised sign regulations, in order to address concerns related to signs in the City of Snohomish, as documented in the record before the Council and consistent with the purpose and intent of the revised sign regulations as set forth in SMC 14.245.010 below; and

WHEREAS, the City has issued a determination of non-significance pursuant to the State Environmental Policy Act, Ch. 43.21C RCW, related to the adoption of the new Sign Code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 14.43 of the Snohomish Municipal Code is hereby repealed and replaced with a new Chapter 14.245 as set forth in Section 2.

Section 2. A new Chapter 14.245 of the Snohomish Municipal Code is hereby adopted to read as follows:

Chapter 14.245

SIGN REGULATIONS

Sections:

14.245.010	Purpose and Intent
14.245.020	Definitions
14.245.030	Sign Permit Required
14.245.040	Sign Permit Fees
14.245.050	Sign Permit - Historic District
14.245.060	Signs Exempt from Permit Requirements
14.245.065	Freestanding Signs
14.245.070	Building Signs
14.245.080	Prohibited Signs
14.245.090	Illumination of Signs
14.245.100	Grand Opening and Special Events Signs
14.245.110	Political Signs
14.245.120	Maintenance of Signs
14.245.130	Non-conforming Signs

14.245.010 Purpose and Intent.

The City of Snohomish believes it is important to encourage business owners to advertise their businesses, products and/or services to potential customers in an effective and appropriate manner that helps the businesses to thrive.

It is also recognized that unregulated signing of the City may result in the following problems: accidents resulting from visual confusion between advertising and traffic-control signs; the collapse of improperly constructed signs; distracting demand for attention, which may cause accidents and be injurious to health; creation of urban blight; destruction of natural beauty; loss of property values; and loss of character in the City's Historic District.

The intent of this chapter is to regulate the number, size, location, height, illumination, character, and other pertinent features of signs, in order to provide adequate identification and advertising for business, and access to advertising signage in a manner that will promote fair economic competition and at the same time protect the public health, safety, and welfare in the City.

14.245.020 Definitions

- A. Balloon Sign: An inflated sign that is attached to the ground or some other anchor and is not a free-floating conveyance.

- B. Building sign: Any sign that is painted on, or attached directly to or supported by, an exterior building wall, including facade signs, awning signs, canopy signs, and marquees, but excluding window signs.
- C. City: The City of Snohomish.
- D. Color, lightness: The degree to which a color appears to emit or reflect light. Lightness ranges from black (dark) to white (light). Sometimes referred to as "brightness" or "value". Lightness is one of the three standard measures of color appearance.
- E. Directional sign: A sign designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience and may include incidental graphics such as trade names and trademarks.
- F. "Electronic or digital sign with changing text" means an electrically activated sign whose message content, either in whole or in part, may be changed by means of electronic or digital programming. These signs include video boards.
- G. Freestanding sign: A sign standing directly upon the ground and being detached from any building or similar structure.
- H. Incidental sign: A sign, emblem or decal designed to inform the public of facilities or services available on the premises, and may include but not limited to signs designating:
1. Restrooms;
 2. Hours of operation;
 3. Acceptable credit cards;
 4. Property ownership or management;
 5. Phone booths; and
 6. Recycling containers.
- I. Monument sign: A ground based freestanding sign, which is constructed or connected directly on or to a sign support consisting of a permanent solid base material foundation or which is constructed with the material comprising the sign area having the same composition as the base or support of the sign.
- J. Off-premises sign: A sign advertising, identifying, or related to an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured or furnished at the property on which such sign is located, e.g., billboards.

- K. Portable Sign: A sign, such as an A-frame, which is capable of being moved and is not permanently affixed to the ground, a structure, or a building.
- L. Portable readerboard sign: A portable sign supported by feet or wheels, with changeable letters and generally internally illuminated.
- M. Sign: Any device, structure, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, logos, or written copy for the purpose of advertising or identifying any establishment, product, goods, service, or event.
- N. Temporary sign: A display device, constructed of cloth, canvas, plastic, vinyl, light fabric, cardboard, wall board or other light materials, with or without a frame, intended to be displayed for a limited period of time only.
- O. Tenant: A business, governmental, or non-profit entity, which occupies a building or other real property within the City.
- P. Window sign: Any sign located inside or on, affixed to, or located within the frame of a window of a building.

14.245.030 Sign Permit Required.

- A. Except as otherwise permitted by this chapter, no sign shall be installed, erected, altered or relocated without applying for and receiving a sign permit issued by the City Planner.
- B. No sign permit shall be required for cleaning or other normal maintenance and repair of a sign, or for changes to tenant or business names on multi-tenant signs; provided, that the original design, function and structure, and size of the sign are maintained and that they remain in compliance with this chapter.
- C. A building permit may also be required for a sign that is regulated by the City Building Code. In this event, a building permit shall be applied for and obtained from the City Building Official.

14.245.040 Sign Permit Fees.

- A. A fee will be required for the processing of all sign permit applications other than those determined to be exempt under SMC 14.245.060. The fee will be as set forth in the fee schedule adopted by resolution of the City Council.
- B. If a building permit is required, the fee for such permit shall be the amount set forth in the City's permit fee resolution.

14.245.050 Sign Permit - Historic District.

For signs within the Historic District, no permit for the erection of a sign shall be issued pursuant to this chapter until the permit applicant has complied with the permit and approval requirements of Chapter 14.225 SMC.

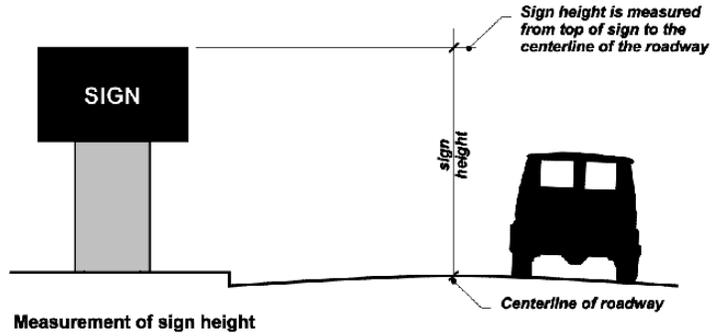
14.245.060 Signs Exempt from Permit Requirements.

The following types of signs are allowed on private property in all land use designations without a sign permit:

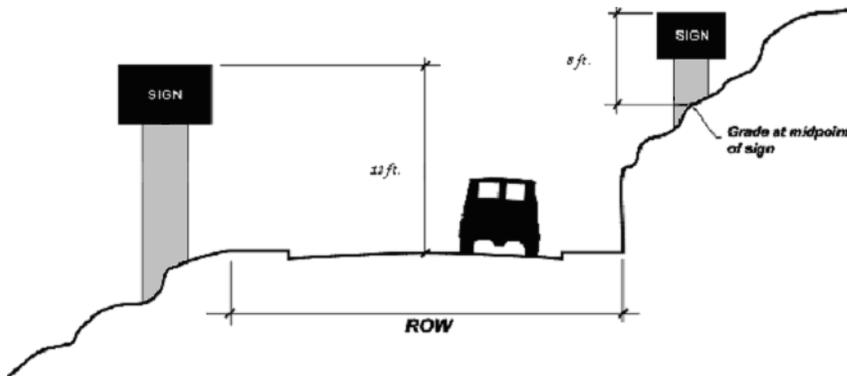
- A. Non-illuminated signs of two (2) square feet in area, or less, except in the Historic District.
- B. Window signs.
- C. Real estate signs advertising the sale or lease of the subject property.
- D. Traffic or pedestrian directional or warning signs.
- E. Memorial signs or tablets and names of buildings and dates of erection, when cut into any masonry surface or inlaid so as to be a part of the building or when constructed of bronze or other noncombustible material.
- F. Occupant signs in residential districts, the content of which is limited to the name of the occupant and/or the address of the premises.
- G. Signs required or specifically authorized for public purposes by any law, statute or ordinance.
- H. Religious symbols.
- I. Flags bearing the official emblem of a nation, state, municipality, educational institution, or non-commercial organization.
- J. Identification signs for parking lots, not advertising premises or products and having an area of three (3) square feet or less.
- K. Incidental signs.
- L. Political signs, as defined and regulated under SMC 14.245.110.

14.245.065 Freestanding Signs.

Freestanding signs shall comply with the following regulations:



- A. The maximum allowable sign height is indicated in the “Free-standing signs table” below.
In those instances where the roadway is depressed below or elevated above the adjacent property, adjustments in the allowed maximum height may be allowed by the City Planner in accordance with this section.
 - 1. The maximum height of a freestanding sign is measured from the elevation of the centerline of the adjacent roadway to the top of the frame or sign structure, whichever is tallest. Refer to the “Freestanding signs table” below and the illustration above.
 - 2. If the side slope of the property perpendicular to the street right-of-way is so steep that it does not allow the construction of a 6’ tall sign within the maximum allowable height limit, the City Planner may allow the sign to extend 8’ above the grade. Refer to the “Freestanding signs table” and the illustration below.



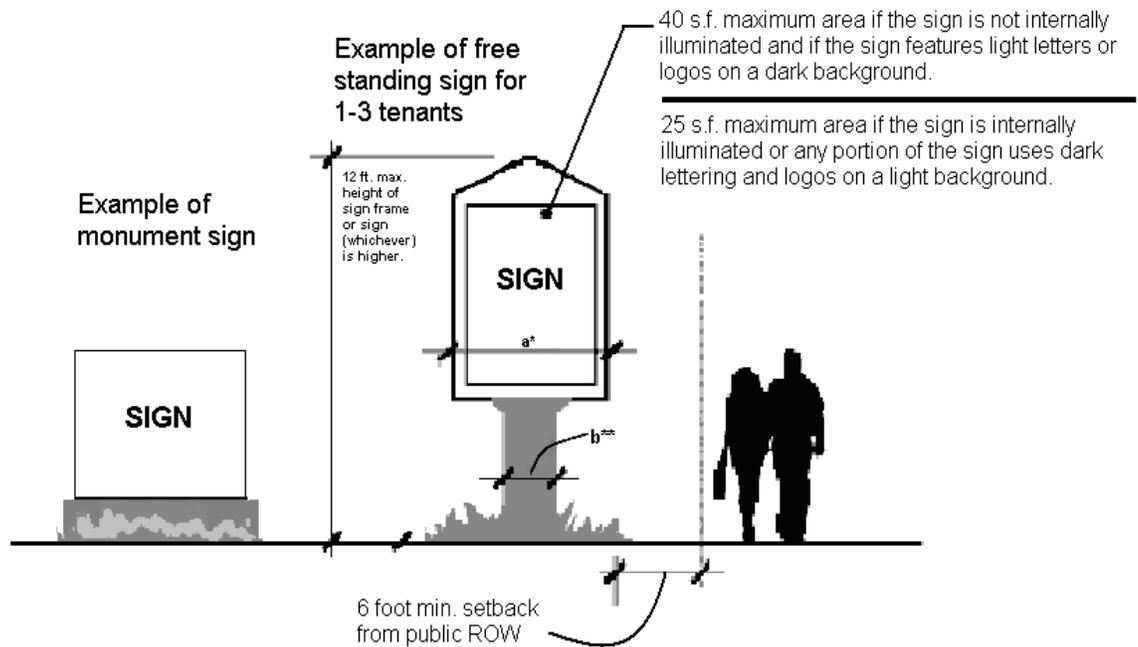
Allowable Sign Height on Steep Slopes

- B. A freestanding sign may have two faces. If the two faces are located in such relationship to each other that both cannot be viewed from any point at the same time, only one face will be counted in totaling the number of signs or sign area.
- C. The maximum allowable sign face area, excluding the frame and mounting, shall be as set forth in the following “Freestanding signs table” and as illustrated below:

Freestanding signs table

# tenants OR acreage (not both)	Square foot area of allowable text on sign	Sign height limit	Sign width limit
1-3 tenants	<p>40 sq feet if sign face is not internally illuminated and uses light lettering and logos on dark back ground</p> <p>25 square feet, if the sign face is internally illuminated or does not use light lettering and logos on a dark background</p>	12'	5'
4-7 tenants	<p>60 sq feet if sign face is not internally illuminated and uses light lettering and logos on dark back ground</p> <p>40 square feet, if the sign face is internally illuminated or does not use dark lettering and logos on a light background</p>	12'	6'
8+ tenants	<p>75 sq feet if sign face is not internally illuminated and uses light lettering and logos on dark back ground</p> <p>50 square feet, if the sign face is internally illuminated or does not use dark lettering and logos on a light background</p>	15'	8'
7 acres or more	<p>100 sq feet if sign face is not internally illuminated or uses light lettering and logos on dark back ground AND is a non-internally illuminated monument sign with design elements related to the principal structures on site identifying the name of the development</p> <p>75 square feet, if the sign face is internally illuminated or does not use light lettering and logos on a</p>	15'	10'

	<p>dark background</p> <p>In both of the above situations one additional monument sign may be installed with a maximum sign height of 5 feet above the ground and a maximum sign width of 8 feet. Said monument sign shall include design elements consistent with the principal structures on the site and shall relate to the entire site rather than an individual tenant.</p>		
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** "b" must be at least 1/3 "a" or be architecturally treated to reflect the

- D. In the “Freestanding signs table” above, “light” and “dark” refer to the amount of light reflected by a color. A dark color reflects less light than a light color. The City Planner shall have the authority to interpret the lightness of lettering/logos and other graphics relative to the lightness of the sign background.
- E. Sign base. Freestanding signs must have a substantial base with a length of at least one third the maximum length of the sign at its maximum cross-section as illustrated above.
- F. Location.

1. Any portion of a freestanding sign must maintain a six foot minimum setback from the public right-of-way and a five foot minimum setback from any property line.
 2. Freestanding signs shall meet the sight distance requirements of the City of Snohomish Public Works Standards.
- G. Number per site and minimum spacing.
1. One freestanding sign per site is allowed.
 2. Sites fronting on two streets may have one freestanding sign per street, provided that these signs are at least 150 feet apart.
- H. Materials used in the sign construction.
1. Sign frame construction must be durable and comply with the City Building Code. The sign and sign base should be architecturally integrated with the primary building or buildings on site.
 2. Sign faces constructed of metal, wood, concrete, masonry or rock are encouraged. Plastic is discouraged except for backlit lettering.
- I. Landscaping.
1. A sufficient defined landscaped area shall be provided around the base of the freestanding sign to make the base of the sign and any ground based lighting more attractive and deter vehicles, shopping carts and people from contacting the base of the sign. The landscaping shall consist of a combination of ground cover materials and low growing shrubs.
- J. Architectural embellishment.
- An additional height allowance of one foot is available above the height limits stated in the “Freestanding signs table” for the provision of architectural embellishment, which shall not be opaque or include any logo, writing, or other form of business identification or advertisement.

14.245.070 Building Signs.

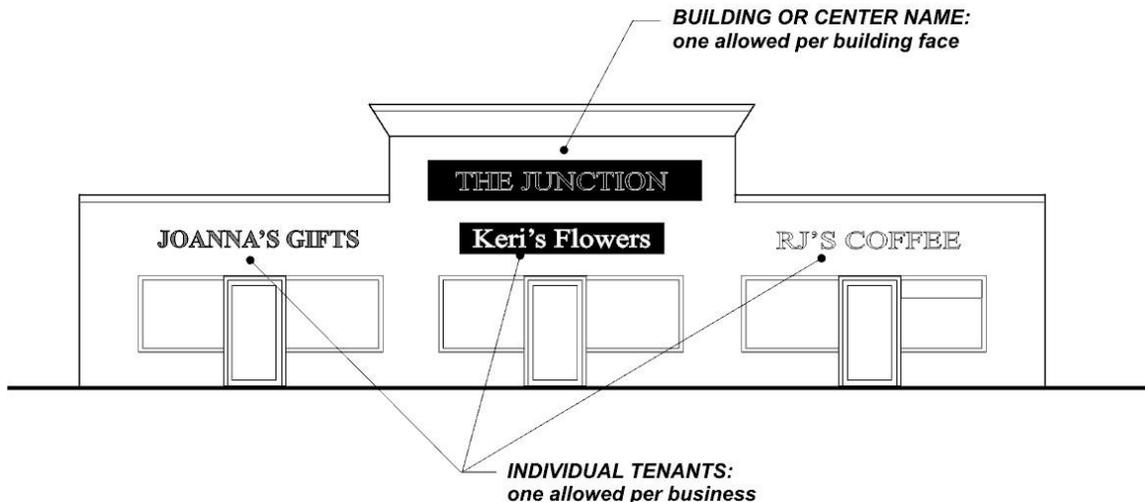
Building signs shall comply with the following regulations:

- A. Building signs must not extend higher than the building eave, parapet, roof or cornice on which they are mounted.
- B. The maximum allowable sign face area is twenty-five square feet plus 10 percent of the building facade area facing the street or main parking area. This total allowable area shall include awning and marquee signs but shall not include the

area allowed for blade signs or shingle signs that are mounted perpendicular to the building façade pursuant to subsection D.

- C. The building signs must be integrated into the architectural design of the building and must be located in a manner compatible with other signs on the same building.
- D. Each tenant may also display a single blade or shingle sign that has a face perpendicular to the building, provided that the sign is no larger than three square feet, is no less than eight feet above the ground, and does not extend more than three feet from the building or beyond an existing architectural canopy.
- E. In the case of a multi-tenant building, the owner or the management of the building is responsible for allocation of sign area among the tenants and shall be a coapplicant on all sign applications pertaining to the building and property.
- F. The illustration below depicts typical building signs as allowed by this section.

Total amount of sign: 25 s.f. + 10% if façade facing the street or main parking area.



14.245.080 Prohibited Signs.

The following signs are prohibited:

- A. Signs, or sign structures, which by coloring, working or location, resemble or conflict with traffic-control signs or devices.
- B. Signs that create a safety hazard for pedestrians or vehicular traffic.

- C. All signs that rotate, move, glare, flash, change, reflect, or blink, or appear to do any of those things, including search lights.
- D. All inflatable advertising or attention getting devices, including balloons of all sizes.
- E. Any signs located on public right-of-way without evidence of specific approval by the City.
- F. Signs with changeable letters and numbers with the exception of gas price signs at service stations.
- G. Off-premises signs. Except for signs which advertise community events and meet the following criteria:
 - 1. Are not displayed for longer than two (2) weeks.
 - 2. Are not located in City right-of-way or are permitted by a City right-of-way use permit.
 - 3. Are allowed by the property owner.
- H. Private signs attached to municipal sign and signal poles.
- I. All portable signs, including A-frames (with the exception that two A-frames, directional in purpose, shall be allowed for each business located on Avenues A, B, or C between First and Second Streets until the City has installed a wayfinder system in the Historic District).
- J. All electronic or digital signs with changing text.

14.245.090 Illumination of Signs.

- A. Light directed on, or internal to, any sign shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways, or parking areas. Light shall not shine or reflect on, or into, residential structures.
- B. No sign shall have blinking, flashing or fluttering lights, or other illumination devices which have a changing light intensity, brightness or color, or which are so constructed and operated as to create an appearance or illusion of writing or printing, except those showing date, time, and temperature, exclusively. However, within the Historic Business Land Use Designation, this provision shall not apply to signs which are approved consistent with the procedures set forth in Chapter 14.225 SMC. Further, nothing contained in this chapter shall be

construed as preventing the use of lights or decorations relating to religious and patriotic festivities.

- C. No exposed incandescent lamps which exceed fifteen (15) watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light, or lamp, to any public street or adjacent property.

14.245.100 Grand Opening and Special Event Signs.

Grand opening displays, temporary signs, posters, banners, strings of lights, and clusters of flags may be permitted for a period of not more than thirty (30) days to announce the opening of a completely new business, development or special event. All such grand opening or special event signs shall be removed at the expiration of the thirty-day time limit and shall only be allowed once during a 365 day period.

14.245.110 Political Signs.

- A. Purpose. It is the City's intention that information concerning election issues and ballot propositions, elections, and candidates be readily available to the general public. Political signs play a valuable role in conveying information. Political signs are only subject to the regulations in this Section and do not require a permit from the City, except as provided in Subsection C.2.vi. below and except as provided in other City codes pertaining to structural and fire safety.
- B. Political sign. A political sign is a poster, banner, or sign that advocates voting for or against candidates, or for or against ballot issues and propositions being decided at an election.
- C. Restrictions on placement of political signs.
 - 1. Wooden or metal freestanding signs. Wooden or metal freestanding political signs may not be posted within eight feet of the paved, traveled portion of a roadway, or at any intersection where placement would reasonably impair the visibility of drivers and traffic.
 - 2. All signs. All political signs shall be located in accordance with the following:
 - i. No political sign shall be nailed to a tree or trees.
 - ii. No political sign shall block any sidewalk, road or driveway.
 - iii. No political sign shall be affixed to, or be placed in or on, City property, other than City right-of-way as addressed in Subsection C.2.vi. below, without evidence of specific approval by the City.
 - iv. No political sign shall be posted in any traffic median strip.

- v. If affixed to a building and projecting from the building, no political sign shall be mounted in such a manner as to be closer than nine feet to ground level.
 - vi. No political sign over five square feet in area shall be located in City right-of-way without evidence of specific approval by the City Engineer based on a review of the sign's effect on public safety.
- D. Political sign removal. Political signs shall be removed within ten (10) working days of the most current ballot election for which they were placed. If political signs are not removed by that deadline, the City may remove the signs. Political signs also must be removed if they are located to constitute an immediate and substantial threat to the public health and safety, including but not limited to blockage of a driver's visibility. City will notify the party posting the sign of the threat to public health and safety to allow voluntary removal. If voluntary removal does not occur, the City may remove the sign and the cost of removal will be charged to the person placing the sign.

14.245.120 Maintenance of Signs.

All signs and components thereof which are not kept in good repair and in safe, neat, clean and attractive condition are in violation of this code and shall be subject to abatement as a public nuisance.

14.245.130 Non-conforming Signs

- A. A sign legally in existence at the effective date of this chapter that does not comply with the provisions of this chapter shall be deemed legally nonconforming and may continue to exist, except that all signs prohibited by SMC 14.245.080(I) shall be brought into compliance with this chapter as provided in SMC 14.245.130E. For the purpose of this section, "legally in existence" shall mean:
- 1. Installed prior to the existence of sign regulation within the City; or
 - 2. Installed prior to the existence of sign regulation within the County or subject to a permit issued by Snohomish County prior to annexation into the City of Snohomish; or
 - 3. Installed pursuant to a permit issued by the City of Snohomish or pursuant to an exemption from permit requirements.
- B. Modification of a sign legally in existence on the effective date of this chapter that does not comply with the provisions of this chapter may only occur as part of an action to bring the entire sign into compliance with the sign regulations in effect at the time of the modification.
- C. The non-conforming status of a sign shall not be affected by cleaning or other normal maintenance and repair including changes to tenant or business names on

multi-tenant signs, provided that the original design function, operational capability, and structure of the sign are maintained and the sign is not otherwise enhanced or upgraded.

D. Abatement.

1. Signs located within the street rights-of-way that are not in compliance with this chapter and are not legally nonconforming pursuant to SMC 14.245.130A shall be abated in the following manner:
 - a. The property owner or business owner responsible for the sign will be contacted by certified mail from the City Building Official and/or City Planner, informed of the observed violation, and given a copy of the sign ordinance. The mailed notice will specify a reasonable time period within which the sign must be removed. If the City confirms that the sign has not been removed after the specified time period has passed, City crews will remove and impound the sign. The business or property owner will be charged one hundred dollars (\$100) per sign to recover the sign.
 - b. No notice or hearing will be required to remove signs from the street rights-of-way, where the sign is determined to be an immediate danger to public health, safety or welfare, or interferes with maintenance of the right-of-way. Such determination shall be made in the sole discretion of the City Engineer.
2. Signs located on private property, which are not in compliance with this chapter and are not legally nonconforming pursuant to SMC 14.245.130A, shall be abated as provided in Chapter 14.85 SMC.

E. All signs in existence on the effective date of this chapter that are prohibited by SMC 14.245.080(I) shall be brought into compliance with this chapter in the following manner:

1. The City shall conduct a survey of the existing signs prohibited by SMC 14.245.080(I).
2. The City shall provide notice by direct mail to persons or entities who either own or are publicized on said signs, but not necessarily to both, which notice shall state that signs prohibited by SMC 14.245.080(I) shall be removed within 180 days of the effective date of this chapter.
3. Said notice shall also state that owners of signs prohibited by SMC 14.245.080(I) may within 10 days of said mailing request an informal hearing before the City's Director of Support Services (Director). Said hearing shall be for the purpose of providing sign owners an opportunity to document that the cost of their signs requires a longer amortization

period than 180 days and to document what additional amortization period is necessary for their particular signs.

4. If the Director determines that an additional amortization period has been so documented, then the sign owner shall remove the sign upon the expiration of such additional period. If the Director determines that an additional amortization period has not been so documented, then the sign shall be removed within the original 180 day period.
 5. If signs prohibited by SMC 14.245.080(I) are not removed within the amortization period set forth in SMC 14.245.130E, then such signs shall be abated as set forth in SMC 14.245.130D.
- F. No permits shall be issued for signs on property containing one or more legally nonconforming signs, except that in the case of a multi-tenant property a new sign permit may be granted for a tenant identified on a non-conforming, multi-tenant sign.

Section 3. Ordinance 2069, which extended a moratorium in effect on certain signs within the City, and any remaining moratorium on such signs that may still be in effect, is hereby repealed.

Section 4. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such a decision or preemption shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other persons or circumstances.

Section 5. Effective Date. This ordinance shall be effective five days after adoption and publication.

PASSED by the City Council and **APPROVED** by the Mayor this 3rd day of May, 2005.

CITY OF SNOHOMISH

By _____
Liz Loomis, Mayor

Attest:

By _____
Torchie Corey, City Clerk

Approved as to form:

By _____
Grant K. Weed, City Attorney