

ORDINANCE NO.09-920

AN ORDINANCE OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON REGARDING THE REGULATION OF SIGNS AND AMENDING BLACK DIAMOND MUNICIPAL CODE SECTIONS 18.82.020, 18.82.050(A), 18.82.050(H), 18.82.060, 18.82.080, AND 18.82.090, AND REPEALING SECTION 18.82.070.

WHEREAS, the City has reviewed its existing code provisions regarding the control and regulation of signs within the City and determined that an update was appropriate; and

WHEREAS, the planning commission reviewed the proposed changes at a public meeting held on August 11, 2009 and recommended that the amendments be adopted; and

WHEREAS, the City Council held a public hearing on the proposed amendments on August 20, 2009;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Black Diamond Municipal Code Section 18.82.020 is hereby amended to read as follows:

18.82.020 Definitions.

The following definitions shall apply for the purpose of this code.

Abandoned sign - a sign that no longer correctly identifies, exhorts or advertises any person, business, lessor, owner, product or activity conducted or available on the premises where such sign is located.

Advertising copy - any letters, figures, symbols, logos or trademarks which identify or promote the sign user or any product or service; or which provides information about the sign user, the building or the products or services available.

Banner - any sign of lightweight fabric, vinyl or similar material that is mounted to a building or pole by any means. National flags, state or municipal flags, seasonal flags, or the official flag of any institution or business shall not be considered as banners.

Building - a roofed and walled structure built for permanent use.

Bulletin board - a board or small sign on which notices, community events or hours of operation are posted.

Change - a change to a sign consists of relocating the sign, or replacing fifty percent or more of the structural material in the sign area. Normal maintenance and a change of name are not changes which require a permit.

Code administrator - the community development director or his appointee, who shall be authorized to enforce all of the provisions of the sign code.

Double-faced sign - a sign that has advertising copy on opposite sides of a single display surface or sign structure.

Electrical sign - a sign or sign structure in which electrical wiring, connections and/or fixtures are used as part of the sign proper.

Facade- the entire building front or street wall face of a building extending from the grade of the building to the top of the parapet or eaves and the entire width of the building elevation.

Flashing signs - a sign or a portion thereof which changes light intensity or switches on and off in a constraint pattern or contains motion or the optical illusion of motion by use of electrical energy. Changing message centers shall not be considered flashing signs.

Freestanding sign - a sign attached to the ground by a sign structure and supported by uprights placed on or in the ground.

Gas station price sign - a sign advertising the price of motor fuel and contains no other business advertising.

Grade - the elevation as measured at the relative ground level in the immediate vicinity of the sign.

Ground sign - a sign of limited height (maximum of twelve feet) constructed and affixed on a foundation upon or in the ground. Also known as a monument sign.

Incidental sign - a small nonelectric information sign four square feet or less in area which pertains to goods, products, services or facilities which are available on the premises where the sign occurs and is intended primarily for the convenience of the public while on the premises.

Institutional sign - a sign to identify educational, civic and religious institutions.

Landscaping - the planned use of trees, shrubs and other living plant materials used in conjunction with a sign and other decorative features.

Lot identification sign- a sign to identify the occupants of the premises.

Mansard roof - a sloped roof or roof-like facade architecturally able to be treated as a building wall.

Marquee - a permanent structure attached to, supported by and projecting from a building and providing protection from the weather elements, but does not include a projecting roof. For purposes of this chapter, a freestanding permanent roof-like structure providing protection from the elements, such as a service station gas pump island, will also be considered a marquee. This also includes canopies.

Neighborhood identification sign - a sign to identify a particular residential area or development four acres or greater in size.

Neon sign - a symbol, logo, or message comprised of illuminated neon tubing used to attract attention for advertising purposes. Neon signs shall not flash, oscillate or revolve.

Off-premises directional sign - a permanently installed sign which provides directional information to a business or service, but not located on the same property as the sign in question.

On-premises directional sign - a permanent sign that directs the public to a specific place such as an entrance, exit or parking or service area, or a particular aspect of a business establishment.

Off-premises sign - a sign relating, through its message and content to a business activity, use, product or service not available on the premises on which the sign is erected.

On-premises sign - a sign which carries only advertisements and messages strictly applicable to a lawful use of the premises on which it is located.

Political sign - any temporary sign that advertises a candidate for elected office or an opinion on a ballot measure in a pending public election.

Portable sign - a sign made of any material, which by its design is readily movable and is not permanently affixed to the ground, structures or buildings.

Projecting sign - a sign which is attached to and projects more than one foot from a structure, building face or marquee.

Public service/civic event sign - a temporary sign which may be placed in the public right-of-way, advertising a city-approved service or event.

Readerboard - a sign face consisting of tracks to hold readily changeable letters allowing frequent changes of copy.

Real estate sign - any sign that advertises the sale, rental or lease of real property.

Revolving sign - a sign which rotates or turns in a circular pattern.

Roof sign - a sign supported by and erected on and above a roof or parapet of a building or structure (shall not include a sign erected on the face of a mansard roof).

Sandwich board sign - a temporary sign set upon the ground, consisting of two sign faces hinged at the top and separated at the bottom to make it self-standing upon the ground.

Sign- any visual communication device, structure or fixture which is legible from any right-of-way and is intended to aid the establishment in question in promoting the sale of products, goods, services, events or to identify a building. Signs may consist of words, logos, insignias, symbols, flags, banners, balloons, inflatable devices, pennants or other feature intended to direct attention to or promote the interest of any person, institution or business. Works of art, fountains, mosaics and building or

structural design features that do not contain a commercial message, logo, symbol, or identification are not signs according to this definition.

Sign area - the entire area of a sign on which copy is to be placed. Sign structure, architectural embellishments, framework and decorative features which contain no written or advertising copy shall not be included. Sign area shall be calculated by measuring the area of the smallest rectangle that can be drawn around all parts of the sign from the viewpoint exposing the largest sign surface area, excluding simple support structures. Sign-supporting structures which are part of the sign display shall be included in the area rectangle.

Special sale/promotional/business opening sign - a temporary sign such as a banner, flags, pennants, and similar devices, or wind-driven sign accents (such as spinners) attached to a sign to attract the attention of the public, used for short durations of time.

Temporary construction sign - a sign jointly erected and maintained on premises undergoing construction, by an architect, contractor, subcontractor and/or materialman, upon which property such person is furnishing labor or material.

I *Temporary sign* - any sign or advertising display, intended to be displayed for a limited time only and not permanently attached to a building or site.

J *Wall sign* - a sign attached or erected parallel to and extending not more than one foot from the facade or face of any building to which it is attached and supported throughout its entire length, with the exposed face of the sign parallel to the plane of said wall or facade. Signs incorporated into mansard roofs, marquees or canopies shall be treated as a wall sign.

Wall graphics - a wall sign of which color and form are part of an overall design on the building.

Section 2. Black Diamond Municipal Code Subsection 18.82.050(A) is hereby amended to read as follows:

A. General Regulations.

1. No sign or any part of a sign shall be designed or constructed to be moving by any means, and shall not contain items such as banners, ribbons, streamers and spinners, except as authorized for temporary signs.
2. Exposed braces and angle irons are prohibited. Guywires are prohibited unless there are no other practical means of supporting the sign.
3. No sign shall have blinking, flashing, fluttering or moving lights or other illuminating device which has a changing light intensity or color; provided, however, temperature and/or time signs that conform in all other respects to this chapter are allowed.
4. The structure and installation of all signs shall comply with the latest adopted edition of the Uniform Building Code.

5. Such sign shall meet all other applicable provisions of this chapter.
6. If more than one business in an immediate area has need for an off-premises directional sign, all must be identified on the same sign.
7. All signs, together with all of their supports, braces, guys and anchors, shall be maintained in good repair and in a safe, neat, clean and attractive condition.
8. The light directed on, or internal to, any sign shall be so shaded, shielded and/or directed so that the intensity or brightness shall not adversely affect safe vision of operators of vehicles moving on private or public property or pedestrians on a public right-of-way. Electric signs shall not use incandescent bulbs for internal illumination. Lighted signs visible from nearby residences shall have low or soft illumination or be shielded in a manner to not adversely affect such residents.
9. Portable signs shall not exceed twelve square feet in sign area and no more than one such sign may be displayed per business. Portable signs must be located on the premise to which they relate, except real estate directional signs.
10. Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located within 90 days after the business or service advertised is no longer conducted on the premises.

Section 3. Black Diamond Municipal Code Subsection 18.92.050(H) is hereby amended to read as follows:

H. Sandwich Board. In non-residential zones, one sidewalk or sandwich board sign per business shall be permitted subject to the following:

1. Signs may be located on private property provided they do not interfere with the opening of car doors, bus stops, loading zones or pedestrian traffic, or create a traffic safety hazard by interfering with the vision of drivers entering or leaving the premises.
2. Signs may be located in the public right-of-way directly adjacent to the property upon which the advertising business is located, provided that no sign shall: block a sidewalk; encroach into any portion of a required handicapped ramp; be located closer than two feet from the face of curb to the nearest sign edge; or, along roadways with no curbs, be located six feet from the edge of pavement to the nearest sign edge.
3. Owners of such signs shall assume liability for damage resulting from their use.
4. Maximum allowable sign area shall be six square feet per side. Maximum allowable sign height shall be 36 inches.
5. Signs shall only be displayed during the hours the premises or business is open to the general public.
6. There shall be no more than one sign per premises in non-residential zones and no more than three signs per premises in residential zones.

7. The provisions of this subsection shall expire on December 31, 2010.

Section 4. Black Diamond Municipal Code Section 18.82.060 is hereby amended to read as follows:

18.82.060 Temporary signs.

No permit is required for. The following standards shall apply to all temporary signs:

- A. Special sale/promotional or business opening signs shall be permitted in all non-residential zones.
 - (1) Maximum duration shall be one month or upon termination of the sale or event that they advertise, whichever is less.
 - (2) Maximum area, per site, shall not exceed fifty (50) percent of the size of the permitted wall/façade sign; this area shall not count towards the total allowable sign area.
 - (3) All banners shall be attached to the façade, wall or window of the building which includes the business which they advertise; provided that, until December 31, 2010, banners may be attached to other site features such as fences, poles, etc.
 - (4) Pennants may be anchored on lighting poles or similar features on private property.
 - (5) The use of pennants, wind-driven accents and other attention-attracting devices attached to a sign shall be prohibited after December 31, 2010.
- B. Real estate signs are permitted in all zones and shall be located upon the property to which they apply, except as provided for in this subsection.
 - (1). Residential “For Sale” and “Sold” Signs. On-premise signs shall be limited to one sign per street frontage not to exceed six square feet in sign area per side, placed wholly on the property for sale, and not to exceed a height of six feet. Directional signs, not to exceed two (2) square feet in area per side, may be placed within the public right-of-way no greater than one-half (1/2) mile from the property available for sale.
 - (2). Residential Open House Sandwich Board Signs. Such signs shall be limited to sandwich board signs or similar portable signs and shall be limited to a maximum of one sign per street frontage on the premises for sale and three off-premises signs. Such signs are permitted only during daylight hours and when the broker/agent or seller or an agent is in attendance at the property for sale. No such sign shall exceed five square feet in sign area per side. Signs may be placed within the public right-of-way provided they do not

- interfere with vehicular or pedestrian traffic or the ability of the City to maintain the right-of-way.
3. Undeveloped Commercial and Industrial Property “For Sale or Rent” Signs. One sign per street frontage advertising undeveloped commercial or industrial property for sale is permitted while the property is for sale. The sign shall not exceed thirty-two square feet in sign area per side and six feet in height.
 4. Developed Commercial and Industrial Property “For Sale or Rent” Signs. One sign per street frontage advertising a commercial or industrial building for rent or sale is permitted while the building is actually for rent or sale. If freestanding, the sign shall not exceed six feet in height; it shall be located more than fifteen feet from any abutting property line and a public right-of-way line; and shall not exceed thirty-two square feet in sign area per side. For rental space in multi-occupancy buildings, one sign, four square feet in area, is allowed per window.
- C. Construction Signs. Construction signs shall be permitted within all zones.
- (1) Sign copy shall be limited to information about a building or project under construction or being remodeled.
 - (2) Maximum duration shall be until construction is completed or one year, whichever is shorter.
 - (3) Maximum area shall be twelve (12) square feet in residential zones and thirty-two (32) square feet in non-residential zones.
 - (4) Only one construction sign per contractor per site shall be allowed.
- D. Political Signs. Political signs are permissible in all zones on both private property and within public rights-of-way.
- (1) It shall be the responsibility of the candidate to have his or her campaign/political signs removed within ten (10) days after the election, or the city will remove such signs at the candidate’s expense. Provided, that signs promoting successful candidates or ballot propositions in a primary election may remain displayed through the general election period.
 - (2) Political signs placed within the public right-of-way shall not interfere with vehicular or pedestrian traffic or the ability of the City to maintain the right-of-way. (3). Maximum sign area shall be twelve square feet.
- E. Public service/civic event signs. Signs advertising community events or public issues may be permitted to locate in or over public right-of-ways. If located within the public right-of-way, such signs shall not be permitted to advertised or promote any business or the sale of any product or commodity. Banners shall only be suspended over public right-of-ways at locations approved by the Public Works Director. Maximum duration shall be from one month before the event to five days after the event. Signs shall be removed by the promoters of the event, or the city will remove such signs at the promoter’s expense.

Section 5. Black Diamond Municipal Code Section 18.82.070 is hereby repealed.

Section 6. Black Diamond Municipal Code Section 18.82.080 is hereby amended to read as follows:

18.82.080 Permits not required when.

The following shall not require a permit; provided, however, these exemptions shall not be construed as relieving the owner from the responsibility to comply with the provisions of this chapter or any other law or ordinance:

- A. The changing of the advertising copy or message on a lawfully erected, painted or printed sign, reader-board or similar sign specifically designed for the use of replaceable copy;
- B. Painting, repainting or cleaning of a lawfully erected sign or the changing of the advertising copy, thereof and other normal maintenance unless a structural or electrical change is made;
- C. Temporary decorations customary for special holidays erected entirely on private property;
- D. On-premises directional signs when not exceeding sixteen square feet in area and the distance from the ground level at the base of the sign to the top of the sign is not greater than eight feet;
- E. Incidental signs;
- F. Political signs;
- G. One nonelectric on-premises bulletin board not exceeding twelve square feet in area for each charitable or religious organization;
- H. Institutional identification signs not exceeding eighteen square feet on all faces. The top of the sign shall not be higher than six feet from the ground level;
- I. One emblem of organization sign per city entrance and the total area of the sign on all of its faces shall not exceed twenty-four square feet;
- J. One lot identification sign with the total area not to exceed: (a) two square feet per residential dwelling unit, not to exceed a maximum of eighteen square feet for multifamily projects; and (b) eighteen square feet for nonresidential uses.
- K. One neighborhood identification sign not exceeding a total of twelve square feet on all its faces and the height from the base of the sign to the top shall not exceed six feet;
- L. One non-electric portable sign not exceeding four square feet located on-premises.

Section 7. Black Diamond Municipal Code Section 18.82.090 is hereby amended to read as follows:

18.82.090 Prohibited signs.

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The following signs are prohibited:

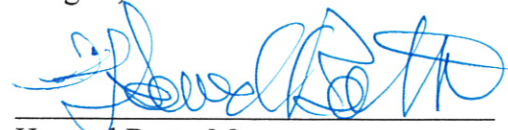
- A. Signs which by coloring, shape, wording or location resemble or conflict with traffic control signs or devices;
- B. Signs which the director of public works determines to be a safety hazard for pedestrian or vehicular traffic. Such signs shall be removed if they already exist;
- C. Flashing signs or lights;
- D. Signs or parts of signs which revolve;
- E. Portable signs exceeding six square feet each side;
- F. Signs attached to or placed on a vehicle or trailer parked on public or private property;
provided, however, this provision shall not be construed as prohibiting the identification of a firm or its products on a vehicle operating during the normal course of business. Franchised buses and taxis are exempt from this provision;
- G. Off-premises signs, except real estate directional signs, political signs, public service civic event signs, garage sale signs, as allowed under Section 18.82.060;
- H. Any sign affixed to or painted on trees, rocks or other natural features or utility poles;
- I. Roof signs.

Section 7. Severability. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 8. Effective date. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced on the 20th day of August, 2009.

Passed by the City Council on the 20th day of August, 2009.



Howard Botts, Mayor

ATTEST:

Brenda L. Martinez
Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

Loren D. Combs, City Attorney

Published: 8/25/09
Effective Date: 8/30/09