Contents

This file contains the following documents:

1. An explanation of the case of Reed v. Gilbert
3. A redlined copy of the current sign code as corrected by the Milton City Attorney
4. A redlined copy of the Code as amended by the City Attorney showing the changes added by the Planning Commission.
5. A redlined copy of the current sign code with changes made to the Code by both the Milton Planning Commission and City Attorney.
6. A copy of the proposed Ordinance amending the sign code as recommended by the Planning Commission
TO: Mayor Sherrell, City Council

DATE: March 5, 2018

RE: Current legal issues concerning Reed v. Town of Gilbert

I. EXECUTIVE SUMMARY

A. Why are we spending time on this issue?

In June of 2015, the United States Supreme Court decided the case of Reed v. Town of Gilbert. That case now compels every jurisdiction with a sign code that deals with other than the structure of signs to rewrite their codes and ordinances to comply with the dictates of the First Amendment to the United States Constitution.

The facts in Reed are simple. Clyde Reed is the pastor of the Good News Community Church, a congregation so small it had no fixed place of meeting. On Saturday before a service, Reed would place about 20 small signs around Gilbert announcing the name of the church, and the time and place of the service. After church, Reed would retrieve the signs. Adam Adams, the Town Code Compliance Manager determined that these signs were “temporary directional signs” and they exceeded the permissible amount of time allowed for such signs. After a couple of citations, Reed appealed and eventually arrived in the United States Supreme Court. The Reed side of the case argued that if you needed to read the face of the sign to figure out what it was, then the sign was subject to strict scrutiny. That is basically the argument that the Court accepted.

B. The changes to our current Ordinance

While you would think that a reasonable person would have seen the danger of Adams’ procrustean position, he has now given us a very difficult to understand set of rules. You will doubtless see that some of the regulations require us to look at the face of the sign. For example, a temporary sign is one that announces an event, but the only regulation is that the sign come down after the event. That is, I hope, a perfectly rational regulation if your town is attempting to minimize the clutter of unregulated signs. Strict scrutiny requires the government to prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest. If minimizing the clutter of signs to make Milton a more appealing place to live is a compelling governmental interest, then the temporary sign regulation is about as narrowly tailored to meet that regulation as possible. One can hardly complain that their free speech rights have been infringed by limiting announcements to upcoming but not past events.

Justice Alito’s concurring opinion suggest that a “rule imposing time restrictions on signs advertising a one-time event” are permissible. To that effect I have defined a temporary sign as “any sign that is not permanently mounted and that contains a message for a particular event or happening that will render the sign obsolete upon the event or happening.” This should pass Constitutional muster.
C. Do I really need to read all this stuff?

No.

II. INTRODUCTION AND SUMMARY OF DECISION

Like many localities the Town of Gilbert Arizona, concluded that a proliferation of road signs impairs the beauty of the Town and may create threats to traffic and pedestrian safety. The Town crafted sign regulations regarding the number, size, and limits of display of such signs and categorized them on the message that the sign conveyed. In a 9-0 decision, with three concurring opinions, the U.S. Supreme Court held that such distinctions violate the First Amendment.

The Town’s Sign Code categorizes temporary signs and then restricts their size, duration, location and other characteristics depending on the category into which each sign is placed. Depending on whether the Town categorizes the signs as “political,” Ideological promoting a “qualifying event,” or conveying messages from “homeowners associations,” or about real estate, the sign Code imposes greatly differing size, duration, number, location and other requirements within each category. The Good News Community Churches’ temporary signs promoting church services receive far worse treatment than temporary signs promoting other types of businesses, political, Ideological or other messages. The signs in all of these categories, however, equally impact the Town’s established interests in public safety and aesthetics.

The Supreme Court adopted a bright line “on its face” rule: If you must read the sign’s message to determine how it is regulated, then the regulation is automatically “content-based.” And even some facially content-neutral regulations will be deemed content-based if the regulation can’t be justified without reference to the content, or if it was adopted because of disagreement with or attempt to censor the message. Here, the Gilbert Sign Code on its face is content-based.2 As such, strict scrutiny applies. Under strict scrutiny, the Code fails, and violates the First Amendment. The Court also held that the Town’s good motives and government interest justifications were irrelevant and could not save the sign regulations from invalidation.

III. BACKGROUND OF SIGN REGULATION

Sign ordinances are generally recognized to be part of the local government toolkit for advancing governmental interests in traffic safety and aesthetics. The First Amendment applies to signs (they are a form of expression protected by the First and Fourteenth Amendments), and this creates difficulties in regulating them. The U.S. Supreme Court observed in City of Ladue v. Gilleo, 512 US 43 (1994) that signs present regulatory challenges not applicable to other forms of speech:

“While signs were a form of expression protected by the Free Speech Clause, they pose distinctive problems that are subject to municipalities’ police powers. Unlike oral speech, signs take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. It is common ground that governments may regulate the physical

1 Much of this memorandum has been taken (pretty much copied) from a presentation by Michael C. Walter to the Association of Municipal Attorneys.
2 Content-based regulations prohibit or compel speech on certain subjects or views, whereas content-neutral regulations are unrelated to the content of speech.
characteristics of signs -just as they can, within reasonable bounds and absent censorial purpose, regulate audible expression in its capacity as noise.

_Id_, 512 U.S. at 48.

Effective regulation of sign placement and aesthetics, including size and locational regulations, typically requires the government to categorize signs by type, or to create “exemptions,” and such categorization often requires the government to read the sign to determine its function and, therefore, its category. Such categorization before Reed might pass constitutional muster, and was frequently evaluated under an intermediate scrutiny analysis. See, e.g., _City of Ladue v. Gilleo_, 512 U.S. 43, 48 (1994); _Davenport v. Washington Ed. Assn._, 551 U.S. 177, 188 (2007); and _Renton v. Playtime Theaters, Inc._, 475 U.S. 41, 48 (1986) (applying intermediate scrutiny to a zoning law that facially distinguished among movie theaters based on content because it was “designed to prevent crime, protect the city’s retail trade, [and] maintain property values ..., not to suppress the expression of unpopular views”).

Prior to the Reed decision there was a split in the federal circuits over “content neutrality.” The Fifth, Eighth and Eleventh Circuits generally applied a rule that if you had to look at the message to determine if the regulation (or category or exemption) applied, then it was “content-based” and, thus, subject to strict scrutiny. The Third, Fourth, Sixth, Seventh and Ninth Circuits, on the other hand, looked to whether the government was trying to regulate or censor content through the regulation. If there was no evidence of government regulating or censoring content, the regulation was deemed “content-neutral”, and thus subject to only intermediate scrutiny (not the higher level and more demanding “strict scrutiny”). The courts in these circuits adopted this more flexible - and less demanding - rule because it was felt that local government needs flexibility in dealing with the First Amendment issues, and because it was believed that a limited number of content-based provisions not intended to censor speech is acceptable.

The Supreme Court has also previously upheld total bans on signage in certain situations. See, e.g., _Metromedia v. San Diego_, 453 U.S. 490 (1981) (ban on commercial billboards upheld); _City of Los Angeles v. Taxpayers for Vincent_, 466 U.S. 789 (1984) (ban on signs posted on public property upheld). These previously accepted rules have been changed, perhaps eliminated, by the Supreme Court’s June 18, 2015, decision in _Reed v. Town of Gilbert_.

**IV. FACTS AND BACKGROUND**

**A. The Town’s Code and rationale for the regulations**

The Town of Gilbert lies about 18 miles Southeast of Phoenix, and has a population of approximately 200,000. The Town adopted a Sign Code to further its interests in aesthetics and pedestrian and traffic safety.

The Town’s Sign Code encompassed three broad categories of signage which the Supreme Court analyzed. The first general category, identified by the Town’s Code itself, included “Ideological signs.” These are signs “communicating a message or Ideas for noncommercial purposes,” and which do not fall into several other categories. They are treated most favorably, can be up to 20 sq. ft. in area, can be erected in all parts of the Town, and have no time or display limits.
The second general category is “political” signs which the Code describes as those “designed to influence the outcome of an election.” This class of signage is treated less favorably than the first category. They can be no larger than 16 sq. ft. on residential property, but can be up to 32 sq. ft. on other properties. They can go up 60 days before a primary election, but only 15 days before a general election. An unlimited number of political signs are allowed. The Code does not identify any “take-down” time.

The final classification of signage covers “temporary directional signs relating to a qualifying event,” which includes those events put on by religious, charitable, and other similar nonprofit organizations. This is the group of signage in which the Plaintiff Church fell. The purpose of these signs is to announce the event and point interested persons in the right direction. These signs can be no larger than 6 sq. ft., may be placed only on private property or on a public right of way, and can be displayed only for 12 hours before and one hour after the event. No more than four of these signs are allowed on any property.

B. Facts and the Litigation

The Town’s permitting exemption for temporary signs and, more specifically, its classification of the Church’s signs as “temporary directional signs,” is at the heart of the Reed case. The Plaintiffs/Petitioners in Reed are the Good News Community Church and its Pastor, Clyde Reed (collectively “Church”). The Defendants/Respondents are the Town of Gilbert, Arizona, and Adam Adams in his official capacity as the Town’s Code Compliance Manager (collectively “Town”).

Pastor Reed wanted to use the “temporary directional signs” to advertise his church services. The church services moved among various places because his church did not have its own building. Church members would put out 15-20 temporary signs early in the day on Saturday and take them down after Noon on Sunday. The signs were frequently in the right-of-way abutting the street, and displayed the Church’s name, and the time and location of the upcoming service. On two occasions, he received a citation for exceeding permissible hours and for not stating the time of the event on the Church signs. Reed asked the Town’s Sign Code compliance department for an “accommodation,” but his efforts proved unsuccessful. The Town’s Code Compliance Manager (Adams) informed him that there would be “no leniency under the Code” and promised to punish any future violations.

V. LITIGATION HISTORY

Reed and the Church filed a complaint in District Court for the District of Arizona, arguing that the Sign Code violated their free speech rights in violation of the First and Fourteenth Amendments. The District Court denied their motion for preliminary injunction, and the Ninth Circuit Court of Appeals affirmed, holding that the Sign Code’s provision regulating temporary directional signs did not regulate speech based on content. Reed v. Town of Gilbert, Arizona, 587 F.3d. 966, 979 (2009). The Ninth Circuit reasoned that even though an enforcement officer would have to read the sign to determine what provisions of the Code applied to it, the “kind of cursory examination” that would be necessary for an officer to classify it as a temporary directional sign was not analyzing “the expressive content of the sign.” Id. At 978. The Court then remanded to the District Court to determine whether the Sign Code’s distinctions among temporary directional signs, political signs, and ideological signs nevertheless constituted a content-based regulation of speech. Reed v. Town of Gilbert, Arizona, 832 F. Supp.3d 1070 (D. Ariz., 2011).
On remand, the District Court granted summary judgment to the Town. Id. The Court of Appeals, in a 2-1 decision, again affirmed, holding that the Sign Code’s categories were content neutral. The Ninth Circuit concluded that “the distinctions between temporary directional signs, ideological signs, and political signs... are based on objective factors relevant to Gilbert’s creation of the specific exemption from the permit requirement and do not otherwise consider the substance of the sign. Reed v. Town of Gilbert, Arizona, 707 F. 3d 1057, 1069 (9th Cir., 2013). In concluding that the Code was content neutral, the Ninth Circuit explained: “Gilbert did not adopt its regulation of speech because it disagreed with the message conveyed,” and it’s “interests in regulat[ing] temporary signs are unrelated to the content of the sign.” Id. at 1071-1072. Accordingly, the Court held that the Code was “content neutral as that term [has been] defined by the Supreme Court.” Id. at 1071. In light of that determination, it applied the intermediate level of scrutiny to the Sign Code and concluded that it did not violate the First Amendment. Id. at 1073-76.

The Church asked the Court to reverse the Ninth Circuit and rule that content-neutrality is determined objectively by the plain language of the regulations, regardless of the government’s asserted motives. The Church argued that the Sign Code facially distinguishes among types of speech and regulates those types of speech based on how the Town categorizes the speech. This content-based discrimination, according to the Church, should be reviewed under “strict scrutiny” and struck down as a violation of the First Amendment.

The Supreme Court granted certiorari on July 1, 2014, and in a 9-0 decision reversed the Ninth Circuit holding the Town’s Sign Code was facially content-based, did not satisfy strict scrutiny, and violated the First Amendment.

VI. THE HIGH COURT’S DECISION

A. Justice Thomas Decision.

Justice Thomas wrote the opinion of the Court, and was joined by Chief Justice Roberts and Justices Scalia, Kennedy, Alito, and Sotomayor. There were three concurring opinions. 3

The Church, joined by amici representing various religious and libertarian interests, argued that if a municipal official must read the content of a sign to determine what kind of sign it is, the regulation is “content-based” and subject to strict scrutiny. They argued that the categorical distinctions were facially content-based, and thus the Town’s Sign Code is subject to strict scrutiny and it cannot survive because the Code is not narrowly tailored and alternative channels for communication do not exist. The Town, joined by amici representing local government, the U.S. government, and planning interests, argued that intermediate scrutiny should apply to sign ordinances that do not favor or censor viewpoints or ideas, and that the Town’s Code does not favor or censor viewpoints or ideas. These amici also argued that the Church’s “absolutist” test would wreak havoc on local government’s ability to address important traffic safety and aesthetic interests.

The Court’s analysis centered on the impact that the nature of the content of the three categories of signs should have on the legal rules applicable to the case. The Court began its

3 Justice Alito wrote a concurring opinion, joined by Justices Kennedy and Sotomayor; Justice Kagan wrote a separate opinion concurring in the judgment only, joined by Justices Ginsburg and Breyer; and Justice Breyer separately joined in Justice Kagan’s opinion concurring in the judgment only
analysis with a summary of First Amendment law relating to sign regulation, citing prior decisional law discussing content-based regulations and the strict scrutiny analysis. Under the First Amendment, government has no power to restrict expression because of its message, its ideas, its subject matter, or its content.\(^4\) Content-based regulations such as those that target speech based on its communicative content are “presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve a compelling state interest.” Government regulation of speech is “content-based” if a law applies to particular speech because of the topic discussed or the idea or message expressed. Slip Op., pp. 6-7. The key, according to the Court is whether distinctions in the regulations are based on “the message a speaker conveys,” or through reference to the content of the regulated speech, or where regulatory distinctions were adopted by the government “because of disagreement with the message [the speech] conveys.” \textit{Id.}, pp 6-7.

The Court established a rule that strict scrutiny applies to any regulation that is “content-based.” The Court identified three general classes of regulations which are content-based, and thus subject to strict scrutiny analysis. The first is where the regulation “on its face” draws distinctions based on the message the speaker conveys. This was the category applicable to the Town’s regulations. The second category involves laws that can’t be justified “without reference to the content of the regulated speech.” The third are laws adopted by the government “because of disagreement with the message [the speech] conveys.” \textit{Id}, pp 6-7.

Here, the Town’s Sign Code is “content based on its face.” It defines “temporary directional signs” based on whether a sign conveys the message of directing the public to church or some other “qualifying event.” It defines “political signs” based on whether a sign’s message is “designated to influence the outcome of an election.” And it defines “Ideological signs” based on whether a sign “communicates a message or ideas” that do not fit within the Code’s other categories. It then subjects each of these categories to different regulatory restrictions. The restrictions in the Code that apply to any given sign “thus depend entirely on the communicative content of the sign.” The Court found no need to consider the Town’s justifications for good intentions for enacting the Code to determine that it was subject to strict scrutiny; the Court found that “on its face” the Code was content-based, and thus subject to strict scrutiny, and it failed that test.

The Court found the Ninth Circuit’s rationale for upholding the Code and its distinctions not “persuasive.” First, while the Court of Appeals determined that the Code was content-neutral because the Town “did not adopt its regulation of speech (based on] disagreement with the message conveyed,” and its justifications for regulating temporary directional signs were “unrelated to the content of the sign,” the High Court found that this analysis skipped the “crucial” first step in the content-neutrality analysis: Determining whether the law is content neutral on its face.

“A law that is content based on its face is subject to strict scrutiny regardless of the government’s benign motive, content-neutral justification, or lack of ‘animus toward the ideas contained’ on ‘in the regulated speech.’

The Court emphasized that the first step in any content-neutrality analysis is determining whether the regulation is content-neutral on its face before looking to the law’s justification or purpose. With a facially content-based regulation, innocent motives will not eliminate the danger of censorship presented because “future government officials may one day wield such statutes to suppress disfavored speech.” *Id.*, p. 10. Thus, “the price of content-based legislation... is not that it is always used for invidious, thought-control purposes, but that it lends itself to use for those purposes.” *Id.*

The Court also rejected the Ninth Circuit’s second rationale for finding the sign Code content neutral because it “does not mention any idea or viewpoint, let alone single one out for differential treatment.” *Id.*, p. 11. This analysis was flawed because a speech regulation targeted at specific subject matter can be content-based even if it does not discriminate up among viewpoints within that specific subject matter. Under the Town’s Code, ideological messages are given more favorable treatment than messages concerning a political candidate, which are themselves given more favorable treatment than messages announcing an assembly of like-minded individuals. According to the Court, “that is a paradigmatic example of content-based discrimination.” *Id.*, p. 12

The Court also rejected the Appellate Court’s finding that the Code’s distinctions turning on the content-neutral elements of who was speaking through the sign and whether and when an event is occurring” would save the regulation. The Court noted that the Code’s distinctions are not speaker-based or event-based. Moreover, the fact that a distinction is speaker-based or event-based does not, as the Court of Appeals believed, automatically render the distinction content-neutral. “Characterizing a distinction as speaker-based is only the beginning- not the end - of the inquiry.” *Id.* p. 13. Thus, a speech regulation is content-based if the law applies to a particular speech because of the topic discussed or the idea or message expressed.” *Id.*, p. 13 (emphasis added). Here, the Code singles out signs bearing a particular message- the time and location of a specific event.

“This type of ordinance may seem like a perfectly rational way to regulate signs, but a clear and firm rule governing content neutrality is an essential means of protecting the freedom of speech, even if laws that might seem entirely reasonable will sometimes be ‘struck down because of their content-based nature.’”


Because the Sign Code imposes content-based restrictions on speech, those provisions can stand only if they survive “strict scrutiny.” Under established law, strict scrutiny requires the government to prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest. It is the Town’s burden to demonstrate that the Code’s differentiation between temporary directional signs and other types of signs, such as political signs and ideological signs, furthers a compelling governmental interest and is narrowly tailored to that end. “The Town cannot do so.” *Slip. Op.*, pp. 14-15.

The Town’s regulations fail strict scrutiny analysis. The governmental interest in preservation of aesthetics fails because temporary directional signs (like the Church’s) are no greater an eyesore than ideological or political ones. Yet the Town’s Code allows unlimited proliferation of larger ideological signs while strictly limiting the number, size and duration of
smaller directional ones. “The Town cannot claim that placing strict limits on temporary directional signs necessary to beautify the Town while at the same time allowing unlimited numbers of other types of signs that create the same problem.” *Id.*, p. 15

The Town’s governmental interest in pedestrian and traffic safety also fails strict scrutiny because there is no evidence that limiting temporary directional signs is necessary to eliminate threats to traffic safety, but that limiting other types of signs is not. “The Town has offered no reason to believe that directional signs pose a greater threat to safety then do ideological or political signs.” Thus, in light of this “under inclusiveness,” the Town has not met its burden to prove that its Sign Code is narrowly tailored to further a compelling governmental interest. *Id.* The Court attempted to temper its new rulings by stating that its decision “will not prevent governments from enacting effective sign laws.” Slip. Op., p. 16. The Court notes that not all “distinctions” within sign codes are subject to strict scrutiny analysis; only content-based distinctions are. Thus, laws that are content-neutral are subject to “lesser scrutiny.”5

The Court also notes that the Town has “ample” content-neutral options available to resolve problems with safety and aesthetics. For example, it can still regulate aspects of signage that have nothing to do with the content of the message, such as size, building materials, lighting, moving parts and portability. And, on public property, the Town may “go a long way” toward entirely forbidding the posting of signs, “so long as it does so in an evenhanded, content-neutral manner.” Slip. Op., p 16. Finally, sign regulations can be narrowly tailored to the challenges of protecting the safety of pedestrians, drivers and passengers, “such as warning signs, marking hazards on private property, signs directing traffic, or street numbers associated with private houses.” However, the signs at issue in this case, including political and Ideological signs and signs for events, “are far removed from those purposes.” Thus, they are facially content-based, are neither justified by traditional safety or aesthetic concerns nor narrowly tailored. Accordingly, they fail strict scrutiny test and violate the First Amendment.

**B. Justice Alito’s concurring opinion**

Justice Alito, joined by Justices Kennedy and Sotomayor, suggested many sign regulations that he concluded would not be barred by the Majority Court’s decision, even though they agreed that the regulations in the Town’s Code are “replete with content-based distinctions, and thus they must satisfy strict scrutiny.” Justice Alito provided a non-exclusive list of 10 rules that would not be content-based:

1. Rules regulating the size of signs;
2. Rules regulating the locations in which signs may be placed;
3. Rules distinguishing between lighted and unlighted signs;

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5 The Court does not indicate which level of “lesser scrutiny” should be applied to content neutral regulations – whether under the rational basis test or intermediate scrutiny, or something else. Presumably, this “lesser scrutiny” is the intermediate scrutiny test which has been applied in the past to content-neutral regulations. *See, e.g., City of Ladue v. Gilleo*, 512 U.S. 43 (1994); *Davenport v. Washington Ed. Assn.*, 551 U.S. 177, 188 (2007); *Renton v. Playtime Theaters, Inc.*, 475 U.S. 41, 48 (1986) (applying intermediate scrutiny to a zoning law that facially distinguished among movie theaters based on content because it was “designed to prevent crime, protect the city’s retail trade, [and] maintain property values …, not to suppress the expression of unpopular views”).
4. Rules distinguishing between signs with fixed messages and electronic signs with messages that change;
5. Rules that distinguish between the placement of signs on private and public property;
6. Rules distinguishing between the placement of signs on commercial and residential property;
7. Rules distinguishing between on-premises and off-premises signs;
8. Rules restricting the total number of signs allowed per mile of roadway;
9. Rules imposing time restrictions on signs advertising a one-time event; and
10. Government entities may put up “all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots.”


**C. Justice Kagan’s concurring opinion**

Justice Kagan’s concurrence (joined by Justices Ginsburg and Breyer), while supporting the Majority Court’s decision, acknowledges that many sign regulations dealing with public safety, historical markers, and even signs under the Federal Highway Beautification Act, “are now in jeopardy.” She acknowledges that most sign laws with subject-matter exemptions will not survive strict scrutiny analysis and will be struck down. After all, “it is the rare case” in which a speech restriction withstands strict scrutiny. To clear that bar, the government must show that a content-based distinction “is necessary to serve a compelling state interest and is narrowly drawn to achieve that end.” The consequence unless the Courts “water-down strict scrutiny to something unrecognizable,” is that government will find itself in an unenviable bind - to either repeal the exemptions that allow for helpful signs on streets and sidewalks, or lift sign regulations altogether and resign themselves to the resulting “clutter.” *Slip. Op. (Kagan, concurring), pp. 1-2.*

Justice Kagan wanted to temper the breadth of the Majority Court’s decision with “a dose of common sense, so as to leave standing laws that in no way implicate its intended function.” Noting that in many instances it is not “realistically possible” to apply a strict scrutiny analysis to all facially content-based regulations and exemptions to regulations, she suggests that in certain instances the Court should “relax” the standard so that “entirely reasonable” laws imperiled by strict scrutiny can survive. *Id.* She believes the Majority could have struck down the Town’s sign regulations without adopting such a sweeping, fixed rule that when laws single out specific subject matter they are automatically considered facially content-based, and when they are facially content-based they are automatically subject to strict scrutiny. While she agreed that the Town’s defense of its Code (aesthetics and safety) “does not pass strict scrutiny, or intermediate scrutiny, or even the laugh test,”6 there was no need for the Majority to decide whether strict scrutiny applies to every sign ordinance in every town containing a subject matter exemption.

The Court and others will regret the Majority’s insistence on answering the strict scrutiny question and, as the years go by, “Courts will discover that thousands of towns have such ordinances, many of them ‘entirely reasonable’.” Her concern is that the Court “may soon find

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6 She cites, for example, the Town’s inability to provide “any reason at all” for prohibiting more than four directional signs on property while placing no limits on the number of other types of signs. She also criticized the Town for offering no justification for restricting the size of directional signs to 6 sq. ft. while allowing other signs to reach 20 sq. ft., and noted the absence of any “sensible basis for these and other distinctions” would doom the Town’s ordinance under even intermediate scrutiny that the Court typically applies to time, place or manner speech regulations. *Slip Op. (Kagan, concurring), p. 6*
itself a veritable Supreme Board of Sign Review” Id., p. 6. Thus, “because I see no reason why such an easy case calls for us to cast a constitutional pall on reasonable regulations quite unlike the law before us, I concur only in the judgment.” Id., p. 7.

D. Justice Breyer’s concurring opinion

Justice Breyer also expressed concern about the Majority’s bright line test and use of categories to decide sign regulation cases. He would focus on what he called “content discrimination” to help decide the First Amendment questions when the line is unclear between subject matter and viewpoint as the basis for the regulation. He also objected to the strong “presumption of unconstitutionality” that he saw in the Majority opinion. Slip. Op. (Breyer, concurring), pp. 1-3. Justice Breyer joined in Justice Kagan’s concurrence, but wrote separately to state his opinion that “categories alone cannot satisfactorily resolve the legal problem before us.” He suggests that content discrimination is better considered “in many contexts, including here, as a rule of thumb, rather than as an automatic ‘strict scrutiny’ trigger, leading to almost certain legal condemnation.” Id., p. 1.

He notes that in some instances using content discrimination to trigger strict scrutiny makes sense; however, and many others, it does not. In these other instances, use of content discrimination to automatically trigger strict scrutiny and thereby call in to play a strong presumption against constitutionality “goes too far.” Regulatory programs almost always require some form of content discrimination, and to hold that such content discrimination automatically triggers strict scrutiny “is to write a recipe for judicial management of ordinary government regulatory activity.” Some examples include government regulation of securities, of energy conservation labeling practices, of prescription drugs, of doctor-patient confidentiality, of income tax statements, and even signs at petting zoos. Id., p. 3.

He also expressed concern over applying strict scrutiny to “commercial speech,” noting that many justifiable instances of “content-based” regulation are non-commercial. His approach would be to treat content discrimination as a strong reason weighing against the constitutionality of a rule in a traditional public forum, or where viewpoint discrimination is threatened, but elsewhere treated as a “rule of thumb, finding it a helpful, but not determinative legal tool, in an appropriate case, to determine the strength of a justification.” Thus, he would use content discrimination as a “supplement to a more basic analysis which, tracking most of our First Amendment cases, asks whether the regulation at issue works harm to First Amendment interests that is disproportionate in light of the relevant regulatory objectives.” Id., p. 5.

“Here, regulation of signage along the roadside, for purposes of safety and beautification is at issue. There is no traditional public forum nor do I find any general effort to censor particular viewpoint. Consequently, the specific regulation at issue does not warrant “strict scrutiny”. Nonetheless, for the reasons that JUSTICE KAGAN sets forth, I believe that the Town of Gilbert’s regulatory rules violate the First Amendment. I consequently concur in the Court’s judgment only.”

Id., p. 5.

Memorandum on Reed v. Gilbert— 10 —
VII. THE Fallout

- The Majority has set forth a bright line test for sign code regulation. When laws single out a specific topic or subject matter they are facially content-based. When they are facially content-based, they are automatically and universally subject to strict scrutiny.

- Strict scrutiny is a stringent standard of review. To satisfy strict scrutiny, the government must show that a content-based distinction “is necessary to serve a compelling state interest and is narrowly drawn to achieve that end.” It is the “rare case” in which a speech restriction will withstand strict scrutiny.

- The Supreme Court-or at least the Majority here-now appears more serious about policing the line between content-based and content-neutral restrictions on speech. If the Majority’s bright line test is followed, other Courts will strictly construe this demarcation and, as justice Kagan wrote, the Supreme Court may find itself “a veritable Supreme Board of Sign Review.”

- The decision applies to more than just temporary signs or one-time events. The decision likely applies to most forms of sign regulation, including permanent and temporary signs, fixed and portable signs, wind, blade and animated signs, illuminated and non-illuminated signs, ongoing information and activities, as well as one-time events-and more.

- Government can no longer escape strict scrutiny of sign regulations that on their face distinguish speech based upon content, topic or subject matter by offering a “good faith” or “good motives” justification. Intent, motive, or justification is no longer relevant to the analysis if the regulation is facially content-based.

- Speech regulations will only be deemed content-neutral if they are in fact plainly content neutral on their face.

- For the first time the Court identifies regulations that target a particular “topic,” and not just general speech or communication. The concept of a content-based “topic” is not recognized in prior Supreme Court jurisprudence on First Amendment sign regulation.

- The first step in any “content-neutral” analysis is determining whether the law is content-neutral on its face.

- The decision will have far-reaching impact beyond just sign regulations. The Court’s decision will almost certainly impact other forms of government regulation such as design regulations, theme regulations, panhandling, handbills, drug labeling regulations, automated phone calls, advertising, and landmark and historic regulations.

- The debate over whether a regulation is content based and exactly what that means in specific factual contexts won’t be settled by Reed. Whether the Majority’s decision will be strictly followed by the lower Courts also remains to be seen. Nonetheless, the decision has potentially significant ramifications for government regulation of signage and other First Amendment-

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7 Following the Reed decision, several federal appellate courts are either reconsidering recent sign code decisions or have remanded their decisions to lower courts for a new analysis under Reed.
related activities, and should prompt a thorough and careful review of all jurisdictions’ sign regulations, as well as other regulations impacting the First Amendment.

VIII. More Fallout.

There is a complication. The 9th Circuit Court of Appeals continues to treat commercial and non-commercial speech differently. It might be possible to make at least some distinctions between commercial and noncommercial speech, but I do not recommend this course of action. The following quotation illustrates the 9th Circuit’s logic.

Plaintiff argues that Vanguard Outdoor, [LLC v. Los Angeles, 648 F.3d 737 (9th Cir. 2011)] has been effectively overruled by Reed v. Gilbert, 135 S.Ct. 2218, 192 L.Ed.2d 236 (2015). In Reed, The Court looked at a sign ordinance that prohibited signs without a permit but exempted 23 different categories of signs, providing different rules for each exemption depending on the content of the sign. For example, "political signs" trying to influence the outcome of the election had different requirements than "ideological signs" communicating a message or idea or than "temporary directional signs" directing the public to a church or other qualifying event. Justice Thomas, joined by Justices Roberts and Scalia, held this ordinance regulated speech based on its content and was thus subject to a strict scrutiny analysis. Id. at 2228. The Town's sign ordinance, because it imposed a content-based restriction on speech, could "stand only if [the restrictions] survive strict scrutiny which requires the Government to prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest." Id. at 2231. The six remaining justices filed concurring opinions expressing concern that the majority opinion would be used to invalidate all sign ordinances that contain exemptions for helpful signs. Justice Alito, joined by Justices Kennedy and Sotomayor attempted to catalogue municipal ordinance distinctions that would not be content based, specifically listing ordinances distinguishing between off-premises and on-premises signs. Id. at 2233. Justice Kagan, joined by Justices Ginsburg and Breyer, expressed concern that courts looking at sign ordinances would be forced to "water down strict scrutiny to something unrecognizable" and concluded there was no need to apply strict scrutiny to every sign ordinance across the country, since the ordinance at issue does not even pass the "laugh test." Id. at 2238. In this case the stated purpose of the sign ordinance is to optimize communication while protecting the aesthetic character of the City. SDMC § 142.1201. The City is thus asserting a substantial interest justifying restriction on commercial speech. The restrictions to advance this interest include: (1) the requirement that all signs get a permit, and (2) only signs with on-premises or public interest messages are allowed. SDMC § 142.1210(a)(1). These restrictions directly advance the stated interest. On-premises messages communicate to the public the "establishment, person, activity, goods, products or services located on the premises where the sign is installed." SDMC § 142.1210(a)(1)(A). Thus, communication is optimized, while limiting outside off-premises advertising to protect the aesthetic character of the City.

Architectureart, LLC v. City of San Diego, 231 F.Supp. 3d 828, (2017). I think this is misguided, because the sign in Reed was technically a commercial sign – it advertised a church service. While churches are not commercial enterprises as such, the sign was an advertisement in every sense of the word. In any event, as can be seen, one can make a perfectly decent sign code without resort to a commercial – noncommercial distinction.
Chapter 17.50

SIGN CODE

Sections:
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17.50.010 Purpose.
The purpose of this chapter is to regulate the installation, alteration, relocation, number, size, height, and placement of signs within the city. Consistent with the comprehensive plan, the regulation of signs protects the health, safety, and welfare of the citizens. It promotes the aesthetic appearance of the city to maintain and protects the value of property. It encourages quality design that creates an attractive and harmonious community and business environment. It provides businesses with the adequate means to advertise their products and services. It preserves the right of free speech exercised by its citizens. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).
17.50.020 Definitions.

“A-board/sandwich board signs” means small signs, either single- or double-faced and portable.

“Abandoned sign” includes a sign that has not been changed or removed within 180 days of ceasing to be relevant.

“Awning” means any structure made of cloth, metal, or other material with a frame attached to a building. Some awnings can be raised flat against the building when not in use.

“Awning sign” means a sign affixed to the surface of an awning.

“Banner sign” means a sign made of cloth, fabric, paper, flexible plastic or material. Banners may contain text, numbers, graphic images or symbols. Pennants and flags are not considered banners.

“Billboard” means a preprinted or hand painted changeable copy sign. It is an off-premise sign that includes both the structural framework that supports a billboard and any message. Although sometimes smaller, billboard sizes often range from 12 to 14 feet in height and 24 to 48 feet in width. A billboard is not a “changeable copy sign” as defined below.

“Building facade” means the exterior walls of a building exposed to public view or that cannot be viewed by those within the building.

“Canopy” means any structure, other than an awning, made of cloth, metal, or other materials with framework attached to a building or carried by a frame supported by the ground.

“Canopy sign” means a sign erected upon, under, against or directly above a canopy.

“Changeable copy sign (manual)” means any sign that is designed so that characters, letters, or illustrations can be changed or rearranged by hand without altering the face or the surface of the sign; i.e., reader boards with changeable pictorial panels. A billboard is not a changeable copy sign.

“Changing message center” means an electronically controlled sign, message center, or readerboard.

“Dangerous sign” means a sign that by nature of its condition is hazardous to the public’s health, safety, and welfare.

“Display surface” means the area made available by the sign structure for the purpose of displaying a message.

“Double-faced sign” means a sign that has a message on opposite sides of a single display surface or sign structure. Wedge, round or multifaceted signs are not double-faced signs when...
determining square footage. Instead, the area of each face of such signs is used when figuring square footage.

“Electrical sign” means a sign or sign structure that uses electrical wiring, connections or fixtures as a part of the sign, but not including signs illuminated by an exterior light source.

“Electronic sign” means a sign designed to allow changes in the sign electronically and includes signs using video or similar displays. “Festoon” means a strip, string or cluster of balloons.

“Flag” means a piece of cloth or other flexible material attachable by one edge to a pole or rope.

“Flag, Feather” is a flag supported on a vertical pole, arched or right angled at the top to keep the flag open. Feather Flags are temporary signs.

“Flashing sign” means a sign or a portion thereof that changes light intensity or switches on and off, contains motion or the optical illusion of motion by use of electrical energy. Changing message centers are not flashing signs.

“Freestanding letters” means individual letters, characters or marks comprising any portion of a sign or sign structure, whether erected flat against a wall or upon a framework for support.

“Freestanding sign” means a sign supported by poles, uprights, braces, or standards and is not connected to or supported by any other structure. Pole signs and monument signs are examples of freestanding signs.

“Freeway sign” means a pole or monument sign that is allowed by code for those properties that are located along the Interstate 5 (I-5) right-of-way as defined in 17.50.085. “Freeway signs” are specifically oriented to the traffic on the interstate rather than other state or local roadways.

“Grade” means the elevation or level of the street (or parking lot) closest to the sign to which reference is made, as measured at the street centerline, or the relative ground level in the immediate vicinity of the sign.

“Marquee” means a permanent structure attached to, supported by and projecting from a building, especially a theater or hotel, or free standing that provides protection from the weather elements. This does not include a projecting roof but does include canopies.

“Marquee sign” means a sign attached to and made part of a marquee.

“Monument sign” means a ground-mounted, fixed sign.
“Multiple occupancy building” means a single structure with a common building access that houses more than one business, office or venture.

“Mural” means a work of art painted or applied to a wall of a building or other structure.

“Off Premise sign” means a sign concerning matters unconnected with the property upon which the sign is located.

“Parapet” means that portion of a building wall that extends above the roof of the building.

“Pennant” means a sign made of cloth, fabric, flexible plastic, or similar types of material that does not contain text, numbers, images or symbols.

“Permanent sign” means a sign that is erected without restriction on the time period allowed for display.

“Permittee” includes any person who should have taken out a permit under this Chapter or MMC 15.05.

“Planned center” means a group of structures housing at least one business, office, venture or independent or separate part of an activity that was processed through the site approval process as one project or that shares access or parking facilities. Individual parcels need not be under the same ownership in order to qualify as a planned center.

“Pole sign” means any sign, electric or otherwise, hung, supported or cantilevered from one or more supports constructed of structural steel, pipe, or other materials.

“Portable sign” means any sign that is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support constructed without wheels is converted to an A or T frame sign, or attached temporarily or permanently to the ground, since this characteristic is based on the design of such a sign. Portable signs are usually changeable copy signs.

“Reader board” means a sign that allows for frequent changes of copy. A reader board may be a component of a monument, pole, or wall sign.

“Reader board, mobile” means a reader board sign that is not permanently installed on-site.

“Repair” means to paint, clean, replace damaged parts, or improve the structural integrity of a sign, but not change its size, shape, location, or character.

“Revolving sign” means any sign or sign structure that revolves or partially revolves about an axis.
“Roof” means the exterior surface and its supporting structures on the top of a building. Overhangs extending beyond the facade of the lower wall are part of the roof.

“Roof sign” means any sign erected upon, against, or directly above a roof or parapet of a building or structure. When permitted, eighty percent of the sign area must be backed by the roof system.

“Sandwich board signs” means small signs, either single- or double-faced and portable.

“Sign” means any object, device, display, structure or part thereof that is used to advertise, identify, direct, or attract attention to a product, business, activity, place, person, institution, or event using words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

“Sign area” means the entire area of a sign on which information is placed. Sign display surface, structures and associated architectural embellishments, framework and decorative features that contain no information and are not illuminated are not calculated in determining sign area. Sign area is calculated by measuring the area of the smallest rectangle, circle, triangle or parallelogram that can be drawn around all parts of the sign to expose the largest sign display area, including the sign face, background, and including all spaces and voids between or within letters or symbols that comprise a single word, statement, description, title, name, graphic symbol, or message for all sign faces on the display surface. Sign supporting structures that are part of the sign display are included. The “display surface” includes the sign area and the entire perimeter area upon which the letters, graphics, symbols, and framework are used to determine sign area can be placed but it excludes structures and associated architectural embellishments, framework and decorative features that contain no information.

“Sign graphics” includes all lines, strokes, text, symbols and logos applied to a sign surface excluding the background to which they are applied.

“Sign height” means the vertical distance measured from the adjacent natural grade at the base of the sign to the highest point of the sign structure.

“Sign structure” means any structure that supports or is capable of supporting any sign as defined in this chapter. A sign structure may be a single pole and may or may not be an integral part of a building. Any structure that performs an entirely separate use, such as a telephone booth, bus shelter, Goodwill container, fence, etc., is not a sign structure.

“Snipe sign” means an off-premise sign placed on street furniture or the supports thereof. Snipe signs do not include government signs, traffic control devices and specifically authorized signs.
“Street Furniture” is a collective term for objects and pieces of equipment installed along streets and roads for various purposes and is considered government property. It includes benches, traffic barriers, bollards, post boxes, phone boxes, streetlamps, traffic lights, traffic signs, bus stops, taxi stands, public lavatories, fountains, fences, memorials, public sculptures, and waste receptacles.

“Supports” means any structure that’s main purpose is to hold a sign, light, power line, low voltage line, or any other government controlled device, e.g. utility poles.

“Temporary sign” means any sign that is not permanently mounted and that contains a message for a particular event or happening that will render the sign obsolete upon the event or happening.

“Traffic control device” means a sign to control traffic placed in accord with the Manual for Uniform Traffic Control Devices.

“Unlawful sign” means any sign that was erected in violation of any applicable ordinance or law governing such sign or its construction at the time of its placement and that does not comply with all applicable ordinances or laws now.

“Vision clearance area” means an area of unobstructed sight distance. Vision clearance areas means the following areas as defined by MMC 17.44.060 or as otherwise required by law.

1. On corner lots to maintain safety, a triangular area, two sides of which shall extend 20 feet along the lot lines from the corner of the lot formed by the intersection of the two streets And within which no tree are allowed, and no fences, shrubs, or other physical obstruction higher than 42 inches above the established grade are permitted.

2. On lots upon which a vehicular driveway is maintained, a triangular area extending 20 feet along the lot line abutting the street and 20 feet along the driveway.

3. On lots adjacent to those defined in 1 and 2, above, that area necessary to complete the triangular area.

4. The areas described in 1, 2 and 3, above, are subject to MMC 12.20.030, Overhanging or obstructing vegetation or debris.

“Wall plane” includes that portion of a facade that is contained on one general plane. A single wall plane may contain windows and doors but it is generally a solid surface. The fascia of projecting porches or colonnades may be considered part of the wall plane from which the porch or colonnade projects in calculating signage area.
“Wall sign” means 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. Signs incorporated into mansard roofs, marquees, or canopies will be treated as a sign attached to a building.

(Ord. 1666 § 2, 2006; Ord. 1563 § 1, 2003; Ord. 1474 § 1, 2001; Ord. 1437 § 1, 2000).

17.50.030 Administration and enforcement.
A. Anyone installing or altering a temporary or permanent sign must obtain a sign permits unless specifically exempted by MMC 17.50.070. The sign must comply with all city codes. The land use administrator will issue all permits for the construction, alteration, and erection of signs in accord with the provisions of this Chapter and other applicable laws.

B. The land use administrator, or code enforcement officer, of the city of Milton will interpret and enforce this Chapter. In addition to complying with the provisions of this Chapter of the zoning code, the materials, structural design, construction, inspection, and maintenance requirements for signs must comply with the Construction Codes administered by the public works department and the current National Electrical Code and the National Electrical Safety Code. (Ord. 1666 § 2, 2006; Ord. 1536 § 1, 2002; Ord. 1437 § 1, 2000).

17.50.040 Permits required.
A. It is unlawful for any person to erect, re-erect, construct, enlarge, display, alter or move a sign, or cause the same to be done, without first obtaining a permit for each sign from the land use administrator.

B. A permit is required for signs installed simultaneously on a single supporting structure. Thereafter, each additional sign erected on the structure must have a separate permit.

C. No permit is required for an exempt sign or any sign not specifically regulated by this Chapter.

D. No additional permit is needed to repaint, clean, repair, otherwise perform normal maintenance on a sign or sign structure, or change copy on a changeable copy sign. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.050 Permit application requirements.
To obtain a sign permit, the applicant must make application in writing on forms furnished by the public works department. Every application for a permanent sign must include the following:

A. Contact information, if desired, by the permittee.

B. Identification and description of the sign including the type, size, dimensions, height, and number of faces;

C. Description of the land where the proposed sign is to be located by street address;

D. Consent of the owner or person in legal possession of the property upon which the sign is to be erected or his agent;
E. Sign drawings showing display faces with the proposed message and design accurately represented as to size, area, and dimensions;

F. Site plan drawn to scale containing a north arrow, location of property lines, lot dimensions, location of existing signs, and the location of the proposed sign on the site;

G. Plans, elevations, diagrams, light intensities, structural calculations and other material as may be reasonably required by the land use administrator;

H. If the sign application is for a freestanding sign that proposes a footing, a building permit is required;

I. Documentation demonstrating that the sign installer has a valid Washington State contractor’s license when a sign requires a building permit unless the sign is being installed by the owner of the sign;

J. Application for an electrical permit from the city of Milton or other electric provider for any electrical sign;

K. A permit fee as adopted in the latest fee ordinance of the city council;

L. Proof that a city of Milton business license has been obtained by the sign installation contractor and the company that is utilizing the permitted sign if the company utilizing the permitted sign is required to obtain a business license. (Ord. 1837 § 7, 2014; Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.060 Prohibited signs.

Unless otherwise permitted, the following signs are not allowed in any zoning district:

A. Signs that pose a hazard to public health or safety other than because of the message delivered;

B. Signs that make use of words such as “Stop,” “Look,” “One-Way,” “Danger,” “Yield,” “Slow, Children At Play,” “Detour,” “Road Construction” or any similar word, phrase, symbol, or lights that interfere with or are confused with pedestrian or vehicular public safety signs as identified in the Manual on Uniform Traffic Control Devices (MUTCD) but which are not placed by the public authority and are not in compliance with the MUTCD or applicable laws and regulations;

C. Signs displaying obscene matter. Matter is obscene if:

1. the average person, applying contemporary community standards, would find that the sign taken as a whole appeals to a prurient interest described in sex; and
2. the sign depicts or describes in a patently offensive way, as measured against community standards, sexual conduct which explicitly depicts or describes patently offensive representations or descriptions of:
   (a) Ultimate sexual acts, normal or perverted, actual or simulated; or
   (b) Masturbation, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or genital area; or
   (c) Violent or destructive sexual acts, including but not limited to human or animal mutilation, dismemberment, rape or torture

3. the sign taken as a whole lacks serious literary, artistic, political or scientific value

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D. Signs that obstruct ingress or egress from fire escapes, doors, windows, or other exits or entrances;

E. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying the sign unless otherwise specifically allowed by this Chapter (this does not apply to allowed portable signs or to signs or lettering on buses, taxis, or vehicles operating during the normal course of business and excludes signs to advertise the sale of said vehicle);

F. Off-premises signs;

G. Rotating and revolving signs;

H. Signs containing strobe lights that are visible beyond the property line;

I. Abandoned signs;

J. Permanent signs on undeveloped sites;

K. Outdoor, portable electric signs;

L. Mobile reader board signs except as permitted under MMC 17.50.140 as temporary signs;

M. Snipe signs;

N. Blinking or flashing lights, balloons, searchlights, clusters of flags, strings of twirlers or propellers, flares, and other displays of a carnival nature except as approved as temporary signs under MMC 17.50.140;

O. Banners except as approved as temporary signs under MMC 17.50.140;

Q. Balloons except as approved as temporary signs under MMC 17.50.140;
P. Unauthorized signs located on government property;

Q. No sign may be used as a fence nor may any fence be used as a sign nor may any sign be attached to a fence, but a temporary sign may be attached to a fence;

S. Billboard; and

T. Any other type or kind of sign that does not comply with the terms, conditions, provisions, and intent contained in this Chapter and or other applicable law or ordinances.

17.50.070 Exempt signs.
The following signs do not require a permit for installation. All other provisions of this chapter apply.

A. Legal notices, identification, traffic, or other signs erected or required by governmental authority under any law, statute or ordinance;

B. Signs erected or sanctioned by a government agency;

C. Historic site markers, plaques, or gravestones and signs on or eligible for listing on federal or state historic registers are excluded from this provision;

D. Address numbers, identification;

E. Signs not oriented or intended to be legible from a right-of-way or other property. Examples may include signs identifying rules for a swimming pool, signs identifying restroom facilities, parking regulations and tow-away signs;

F. Painted wall decorations or murals;

G. National, State and City Flags not to exceed 12 in number; and

H. Locally designated historic signs. The Milton Light and Water sign located on the western building elevation of the Public Works Building at 1000 Laurel Street has been identified as a sign of locally important historical significance. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.080 General provisions.

A. The area of all signs may not exceed 200 square feet except for uses with building fronts more than 100 feet long. For uses in which the building linear front footage exceeds 100 feet, the maximum area of all signs may not exceed an area equal to two times the linear front footage of the building or 450 square feet, whichever is less. Multiple occupancy buildings may display an additional 50.
square feet of wall signage for no more than two building occupants, other than the primary occupant, subject to the provisions of MMC 17.50.110. Total Sign Area:

B. Number and Spacing of Monument Signs. One monument sign is permitted per primary street frontage. Multiple monument signs must be a minimum of 250 feet apart along one or more street frontages.

C.

1. For uses in which the building frontage is less than or equal to 100 feet long, the maximum area for all signs shall not exceed 200 square feet.
2. For uses in which the building frontage is more than 100 feet, the maximum area for all signs shall not exceed two square feet per lineal foot of building frontage, or 450 square feet, whichever is less.
3. For multiple occupancy buildings, an additional 50 square feet of wall signage may be displayed for no more than two building occupants (other than in addition to the primary tenant), subject to the provisions of MMC 17.50.110.

B. Signs must comply with all applicable regulations. If a sign is regulated by more than one regulation, e.g. a temporary sign in the right-of-way, then the sign must comply with all the regulations applicable to the sign unless otherwise provided. Indirect Lighting. Monument signs, where permitted in residential zones (RS, RMD, RM), may only be illuminated from an indirect source. (Ord. 1666 § 2, 2006; Ord. 1474 § 2, 2001; Ord. 1437 § 1, 2000).

17.50.083 Signs in the right-of-way.

A. With the exception of Except for traffic control devices, A-board/sandwich Sandwich board signs, temporary signs, temporary construction signs associated with work within the public right-of-way, and properly authorized banners (see MMC 17.50.140), no signs may be erected or placed within the public right-of-way. Traffic control devices, A-board/sandwich Sandwich board signs, temporary signs may be placed in the right-of-way outside of median strips, public sidewalks, and vehicular and bicycle lanes and must provide at least four feet of unobstructed sidewalk. They may not block driveways or be affixed to utility poles, trees, or traffic control devices, and may not block vision clearance areas.

B. Vision Clearance Area. Pole signs are permitted in the vision clearance area where the bottom of the sign is at least 10 feet above the elevation of the street grade.

C. Vehicle Area Clearances. When a sign extends over a private area where vehicles travel or are parked, the bottom of the sign structure must be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and maneuvering areas. Exceptions are prohibited.

D. Pedestrian Area Clearances. When a sign extends over a walkway or other space accessible to pedestrians, the bottom of the sign structure must be at least eight feet above the ground. Exceptions are prohibited. (Ord. 1666 § 2, 2006; Ord. 1474 § 2, 2001; Ord. 1437 § 1, 2000).
17.50.085 Freeway signs.
Freeway signs are located along and specifically oriented toward traffic on I-5.

A. Maximum Number and Spacing.

1. RS, RMD, RM, MX, CF, OS: Zero.

2. B, M-1: One per parcel or one per planned center when the parcel or planned center directly abuts the I-5 right-of-way. The parcel or planned center must be a minimum of 12,000 square feet in area, or have been legally created prior to January 1, 2003, in order to erect a freeway sign. The freeway sign is in addition to other allowed signage, it must be located along the side of the property nearest I-5, and it must be oriented toward I-5.

B. Size Allocation.

1. RS, RMD, RM, MX, CF, OS: Does not apply.

2. B, M-1: Up to a maximum sign area of 250 square feet. No display surface may exceed 250 square feet.

C. Maximum Height.

1. RS, RMD, RM, MX, CF, OS: Does not apply.

2. B, M-1: 40 feet.

D. Landscape and Siting Requirements. Freeway signs must be located in a planting bed of equal area to the area of the sign. The planting bed may be included within the planting strips required under Chapter MMC 17.15C, Landscape regulations table. The minimum dimension of the planting bed must be 10 feet measured from inside face of the curb to inside face of curb. The planting beds will be improved with the following:

1. One gallon groundcover planted 12 inches on center; and

2. One shrub per 10 square feet of sign area. Shrubs located within the vision clearance area may not be taller than 36 inches. (Ord. 1666 § 2, 2006; Ord. 1563 § 2, 2003).

17.50.090 Pole signs.
Pole signs are an alternative to monument signs for planned centers.

A. Maximum Number and Spacing.

1. RS, RMD, RM, MX: Zero.

2. B, CF, M-1, OS: One center identification sign per parcel.

B. Size Allocation.

1. RS, RMD, RM, MX: Does not apply.
2. B, CF, M-1, OS: Maximum sign area of 200 square feet. No sign face display surface may exceed 100 square feet.

C. Maximum Height.

1. RS, RM, RMD, MX: Does not apply.
2. RM: 12 feet.

D. Landscape and Siting Requirements. Pole signs must be located in a planting bed of equal area to the area of the sign. The planting bed may be included within the planting strips required under Chapter MMC 17.15C MMC, Landscape regulations table. The minimum dimension of the planting bed must be five feet measured from inside face of curb to inside face of curb. The planting beds will be improved with the following:

1. One gallon groundcover planted 12 inches on center; and
2. One shrub per 10 square feet of sign area. Shrubs located within the vision clearance area may not be taller than 36 inches. (Ord. 1666 § 2, 2006; Ord. 1474 § 3, 2001; Ord. 1437 § 1, 2000).

17.50.100 Monument signs.

Monument signs with a height ranging from five to 12 feet above the average ground elevation, and a base (not included in the sign surface area calculation) that is attached to the ground as a wide base of solid construction so that the bottom of the sign is no more than six inches above the base are the preferred sign type along street frontages.

A. Maximum Number.

1. RS, RMD, MX: Zero for residential uses; one per street frontage for permitted or conditionally permitted nonresidential uses. One subdivision identification sign is permitted per subdivision.
2. RM: One per street frontage.
3. B, CF, M-1, OS: One per street frontage. For extended street frontage, one sign per vehicle entrance at least 250 feet apart.

B. Size Allocation.

1. RS, RMD, MX: Maximum 64 square feet for permitted or conditionally permitted uses; except for a subdivision identification sign which may be a maximum of 36 square feet.
2. RM: 64 square feet.
3. B, CF, M-1, OS: Minimum of 32 square feet up to a maximum sign area of 9648 square feet. No sign face display surface may exceed 4896 square feet.

C. Maximum Height.

1. RS, RMD, MX: Eight feet.

2. RM: 12 feet.

3. B, CF, M-1, OS: 12 feet.

D. Landscape and Siting Requirements. Monument signs must be located in a planting bed of equal area to the area of the sign. The planting bed may be included within the planting strips required under Chapter MMC 17.15C, Landscape regulations table. The minimum dimension of the planting bed must be five feet measured from inside face of curb to inside face of curb. The planting beds will be improved with the following:

1. One gallon groundcover planted 12 inches on center; and

2. One shrub per 10 square feet of sign area. Shrubs located within the vision clearance area may not be taller than 36 inches.

E. Indirect Lighting. Monument signs, where permitted in residential zones (RS, RMD, RM), may only be illuminated from an indirect source.

F. When Not Allowed. A monument sign is not permitted if existing signs attached to buildings exceed the limit of 15 percent of the wall area. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.105 Mixed use town center monument sign.
The community monument sign permitted by Ordinance 1577 may continue as a nonconforming use.

17.50.110 Signs attached to buildings.
Awning, fascia, graphic, marquee, roof, and wall signs are permitted signs for attachment to buildings. Signs attached to buildings are permitted on wall elevations that are viewable from public rights-of-way or on wall elevations containing public entrances to the building.

A. Maximum Number. No limit within the size allocation. A limit of one roof sign per wall elevation viewable to the public (see roof sign definition). Multiple occupancy buildings may display one additional wall sign for each additional occupant, subject to the maximum area per sign described in subsection C of this section.

B. Size Allocation.

1. RS, RMD: Four square feet or 10 percent of the wall area, whichever is greater.

2. RM: Eight square feet.
3. MX: 48 square feet or 15 percent of the wall area, whichever is greater.

4. B, CF, M-1, OS: 48 square feet or 15 percent of the wall area, whichever is greater.

C. Maximum Area per Sign.

1. RS, RMD: 32 square feet per sign (roof signs are prohibited).

2. RM: Eight square feet (roof signs are prohibited).

3. MX: 100 square feet (each roof sign may be a maximum of 24 square feet, where no display surface may exceed 48 square feet, where no sign face may exceed 24 square feet). For multiple occupancy buildings, the individual building occupant signs allowed by subsection A of this section may not exceed 25 square feet per sign face of display surface.

4. B, M-1: 200 square feet (each roof sign may be a maximum of 24 square feet, where no display surface may exceed 48 square feet, where no sign face may exceed 24 square feet). For multiple occupancy buildings, the individual occupant signs allowed by subsection A of this section may not exceed 25 square feet per sign face of display surface.

5. CF, OS: 100 square feet (each roof sign may be a maximum of 24 square feet, where no display surface may exceed 48 square feet, where no sign face may exceed 24 square feet).

D. Wall signs may not exceed 12 inches in thickness.

E. Illumination. The illumination of signs shall not interfere with traffic, traffic control devices or the signs of others. Signs on awnings or canopies may not be illuminated internally if the light illuminates other than the sign.

(Ord. 1666 § 2, 2006; Ord. 1474 § 4, 2001; Ord. 1437 § 1, 2000).

17.50.120 A-Sandwich board/sandwich board signs.
A. Maximum Number.

1. RS, RMD, RM: Zero.

2. B, CF, M-1, MX, OS: One per one hundred feet of frontage.

B. Size Allocation.

1. RS, RMD, RM: Does not apply.

2. B, CF, M-1, MX, OS: 12 square feet.

C. Maximum Height.
1. RS, RMD, RM: Does not apply.

2. B, CF, M-1, MX, OS: Four feet.

D. No Obstruction. Sandwich board signs must be placed so they do not obstruct the passage or view of vehicles or pedestrian on or entering the public way. Duration. A board/sandwich board signs are permitted to remain in place only so long as it is providing immediately useful information. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

E. Duration. A sandwich board sign is permitted to remain in place only so long as it is providing immediately useful information. MMC 17.50.140 applies to sandwich boards that are also temporary signs. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.140 Temporary signs.
A. Temporary signs must conform to MMC 17.50.080.

1. No flashing temporary sign of any type is permitted; however, internally illuminated signs, e.g., portable reader boards, are permitted unless they conform to the current National Electrical Code and the National Electrical Safety Code;

2. All temporary signs must be securely fastened and positioned in place so as not to constitute a hazard to pedestrians or motorists;

3. No temporary sign may project over or into the travelled portion of a public right-of-street, sidewalk or way or property, except properly authorized banners over streets installed by the city of Milton.

4. Temporary signs may not be within 300 feet along the same street frontage of any other temporary sign providing the same information or having the same owner.

B. The duration of display for the following temporary signs shall be as follows:

1. Blinking or flashing lights, balloons, banners, searchlights, clusters of flags, strings of twirlers or propellers, flares, air dancers and other carnival like displays may be displayed before and during a special event so long as the display does not exceed ten thirty days within any 90-day period;

2. Mobile reader boards, fence signs and off premise signs may be used a reasonable time before and during an event;

3. Temporary signs may be placed a reasonable time prior to the event or happening; and

4. Yard signs not exceeding 24 inches by 36 inches are permitted in all residential zones for not more than 90 days in a calendar year; and

5. Signs permitted by this section must be removed promptly after the event or happening and in no event more than two days after the event or happening.

C. The duration of displays in Business and Industrial zones west of Interstate 5.

1. The temporary signs described in this section may be extended by permit under 17.50.180 in B and M-1 zones west of Interstate 5 for indefinite periods so long as the sign is not a permanent sign.

2. In applying for a Deviation under this subsection, only the criteria in 17.50.180 C. 3, 5 and 6 need be met.

3. Signs under this subsection have no nonconforming rights.

17.50.145 Uptown Standards.

A. This section applies only to the Uptown District. The specific regulations in this section apply only to Uptown District but do not supplement or otherwise effect any other regulation in this Chapter.

B. Portable, Temporary and Sandwich Board signs are not allowed on the sidewalks, and no more than one such sign per 100 feet of frontage is allowed. A permit is required for portable signs. There is no fee for the permit for Temporary Signs.

C. Air dancers and feather flags are not permitted.

D. Perpendicular Wall Signs. Perpendicular signs are permitted for pedestrian traffic, but may not exceed four square feet.

E. Monument or Freestanding Signs are required for all separate structures.

17.50.150 Nonconforming signs.

A. A sign is legally nonconforming if it is out of conformance with this code and

1. The sign was lawfully erected in compliance with the applicable sign ordinance of the city or county which was effective at the time of sign installation, and a valid permit for such sign exists or.

1. The sign was erected prior to January 1, 1996.

B. A legal nonconforming sign must be brought into compliance with this chapter or removed if:

1. The sign is abandoned;
2. The sign is damaged in excess of more than 50 percent of its replacement value, unless such destruction is the result of vandalism or intentional destruction or removal by someone not authorized by the sign owner;

3. The owner seeks to change the sign structure supporting, holding, or surrounding the sign, other than minor maintenance or repair;

4. The occupant space(s) to which the sign applies is undergoing an expansion or renovation which increases the size of the occupant space floor area or site coverage by 20 percent or more, or the value of the expansion or renovation exceeds 50 percent of the assessed value of the structure;

5. The building to which the sign applies is demolished; or

6. The sign is more than 20 years old. (Ord. 1716 § 1, 2008; Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.160 Maintenance of signs.
All signs and landscape, including signs heretofore installed, must be constantly maintained in a state of security, safety, and repair. The owner or occupant of the premises on which any sign is not securely, safely and properly maintained or is dangerous must repair or remove the sign within five working days after receiving notice from the building official. The owner or occupant must repair or remove damaged signs or signs in disrepair within 30 days. The premises surrounding a sign must be free and clear of rubbish and the landscaping area free of weeds. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.170 Removal of signs.
A. All signs and sign structures that do not conform to the Construction Codes, MMC 15.05, that are a hazard to life and property, or that by their condition or location present an immediate and serious danger to the public, must be discontinued or made to conform within the time the building official may specify. If the owner cannot be found or refuses to comply with the order to remove, the building official may then have the dangerous sign removed and the owner cited. The cost of removing the sign plus administrative costs will be charged to the property owner.

B. Any person who owns or leases a nonconforming sign must remove the sign when it has been abandoned.

C. If the permittee has not identified himself, the City may remove any sign once it has ceased to be relevant, if it should be removed under this section or if the City might have requested the permittee remove it.-

(Ord. 1666 § 2, 2006; Ord. 1663 § 20, 2006; Ord. 1437 § 1, 2000).
17.50.180 Deviation from standards.

A. Authority. The land use administrator may grant a deviation from the requirements of this chapter using Process II (Chapter MMC 17.71 MMC). In granting any deviation, the director may prescribe conditions that are necessary to satisfy the criteria below.

B. Nonconforming signs. The land use administrator may grant a deviation from standards from the provisions of MMC 17.50.150(B)(4) requiring the removal of a nonconforming sign because of a change in copy only if the circumstances prompting the deviation from standards request do not result from the actions of the applicant. A change in telephone area code or street name are two examples of potential changes in copy that would not be prompted by the actions of the applicant.

C. Standards. The land use administrator may grant a deviation from standards of this chapter only if the applicant demonstrates compliance with the following criteria:

1. The deviation from standards as approved does not constitute a grant which is inconsistent with the intent of the sign code;

2. The deviation from standards is necessary because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;

3. The granting of the deviation from standards will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and in the zone in which the subject property is located;

4. The special conditions and circumstances prompting the deviation from standards request do not result from the actions of the applicant;

5. The deviation from standards as granted represents the least amount of deviation from the prescribed regulations necessary to accomplish the purpose for which the deviation from standards is sought and is consistent with the stated intent of this chapter; and

6. The granting of the deviation from standards will not constitute a public nuisance or adversely affect the public safety and the proposed deviation from standards does not interfere with the location and identification of adjacent buildings or activities. (Ord. 1741 § 23, 2009; Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

D. Other considerations. The land use administrator will grant deviations that are necessary to comply with MMC 17.50.182. The administrator will also consider deviations necessary to harmonize a sign with any associated structures of a recognized architectural style whether new construction or an existing structure. (Ord. 1741 § 23, 2009; Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).
17.50.182 Construction.
A. Not content based. The City recognizes that content-based laws target speech based on its communicative content, they are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. Except where a compelling state interest is involved such as the control of public safety matters, this Chapter does not in any way deal with the content of signs other than as expressly stated.

B. Narrowly construed. This Chapter shall be narrowly construed to impose the least impingement on free speech and expression as is consistent with the exercise of the police power of the City.

C. No criminal activity permitted. Nothing in this subsection shall be construed as permitting the public display of illegal pornography, or the solicitation for the commission of crimes or treason.

17.50.185 Signs of Historical Community Significance.

A. A sign may be designated by the City Council as a sign of historical community significance.

B. When a sign of historical community significance is reestablished after a period of absence, the sign must be restored to its historic appearance, height, and width to be classified as a historically significant. If the sign is altered, including but not limited to additional messaging that was not historically present, the sign will not be considered historically significant.

17.50.190 Penalty for violations.
A. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, move, improve, convert, demolish, equip, or use any sign or sign structure in the city, or cause or permit the same to be done, contrary or in violation of any provisions of this Chapter.

B. Any person, firm, or corporation violating any of the provisions of this Chapter shall be guilty of a misdemeanor and punishable as set forth in Section MMC 9.04.040 MMC. (Ord. 1666 § 2, 2006; Ord. 1536 § 2, 2002; Ord. 1437 § 1, 2000).

17.50.200 Severability.
If any clause, sentence, paragraph, section or part of this Chapter or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgement shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any part thereof to any other person or circumstances and to this end the provisions of each clause, sentence,
paragraph, section or part of this law are hereby declared to be severable. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).
Chapter 17.50

SIGN CODE*

Sections:
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*Prior legislation: Ord. 1405.

17.50.010 Purpose.
The purpose of this chapter is to regulate the installation, alteration, relocation, number, size, height, and placement of signs within the city. In conformance with the comprehensive plan, the regulation of signs is found to protect the health, safety, and welfare of the citizens. It is intended to promote the aesthetic
appearance of the city to maintain and enhance its property values. It is intended to encourage quality design that creates an attractive and harmonious community and business environment which provides businesses with the adequate means to advertise their products and/or services. It is further intended to preserve the right of free speech exercised by its citizens. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.020 Definitions.
“A-board/sandwich board signs” means small type signs, either single- or double-faced, portable, upon which is generally placed advertising copy denoting products or services being offered upon the premises on which such signs are placed.

“Abandoned sign” means 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 and which has not been changed or removed within 180 days of a tenancy change.

“Advertising copy” means any sign graphics, background colors, logos or trademarks that identify or promote the sign user or any product or service; or that provides information about the sign user, the building or the products or services available.

“Awning” means any structure made of cloth, metal, or other material with a frame attached to a building, whether or not the same is so erected as to permit its being raised to a position flat against the building when not in use.

“Awning sign” means a sign affixed to the surface of an awning and which does not extend vertically or horizontally beyond the limits of such awning.

“Balloon” means a latex balloon 36 inches or less in diameter tethered on a cord not greater than four feet in length.

“Balloon, rooftop” means a balloon with a vertical dimension greater than 36 inches but not greater than 25 feet.

“Banner sign” means a sign made of cloth, fabric, paper, nonrigid plastic or similar types of material. Banners may contain text, numbers, graphic images or symbols. Pennants and flags are not considered banners.
“Billboard” means a preprinted or handpainted changeable advertising copy sign that directs attention to businesses, commodities, services, or facilities that are not primarily sold, manufactured, or distributed from the property on which the sign is located. The term “billboard” includes both the structural framework that supports a billboard and any billboard faces attached thereto. Although sometimes smaller, billboard sizes often range from 12 to 14 feet in height and 24 to 48 feet in width. A billboard is not a “changeable copy sign” as defined below.

“Building facade” means the exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

“Business sign” means a sign located on the premises of the business with which it is associated.

“Canopy” means any structure, other than an awning, made of cloth, metal, or other materials with framework attached to a building or carried by a frame supported by the ground.

“Canopy sign” means any sign erected upon, against or directly above a canopy.

“Center identification sign” means any sign that identifies a shopping center, industrial center, or office center by name, address, or symbol. Center identification signs may also identify individual tenants or businesses within the center.

“Change in nature” means an expansion of the building or structure housing the business in excess of 50 percent of the existing assessed value, or a change in the name of the business that would require a change in signage.

“Changeable copy sign (manual)” means any sign that is designed so that characters, letters, or illustrations can be changed or rearranged by hand without altering the face or the surface of the sign; i.e., readerboards with changeable pictorial panels. A billboard is not a changeable copy sign.

“Changing message center” means an electronically controlled sign, message center, or readerboard where copy changes of a public service or commercial nature are shown on the same lamp bank; i.e., time, temperature, date, news, or commercial information of interest to the traveling public.
“Commercial flag” means a flag no larger than 24 square feet identifying the words, numbers, or business/corporate images and symbols. No more than 12 commercial flags may be erected on a site.

“Construction sign” means a temporary nonilluminated sign giving the name or names of principal contractors, architects, lending institutions, or other persons or firms responsible for construction on the site where the sign is located, together with other information included thereon.

“Damaged/disrepaired sign” means a sign that is damaged, in disrepair, or vandalized and not repaired within 60 days of the damaging event.

“Dangerous sign” means a sign that by nature of its condition is hazardous to the public’s health, safety, and welfare.

“Directional sign” means a permanently erected single- or double-faced sign designed to guide or direct pedestrian or vehicular traffic to an area, place, or convenience. Directional signs shall only contain information on exits, entrances, parking, telephones, restrooms, or similar types of information and the name and/or logo of the business where the directional sign is located.

“Directory sign” means a sign on which the names and locations of occupants or the use of a building is given.

“Display surface” means the area made available by the sign structure for the purpose of displaying the advertising message.

“Double-faced sign” means a sign that has advertising copy on opposite sides of a single display surface or sign structure. Wedge, round or multifaceted signs shall not be considered double-faced signs when determining square footage. Instead, the area of each face of such signs is used when figuring square footage.

“Electrical sign” means a sign or sign structure that uses electrical wiring, connections and/or fixtures as a part of the sign, but not including signs illuminated by exterior light source.

“Electronic sign” means a sign designed to allow changes in the sign graphics electronically.

“Festoon” means a strip or string of balloons that includes clusters or strings of balloons connected to a fixed object or vehicle on at least one end of the festoon.

The Milton Municipal Code is current through Ordinance 1871, passed October 5, 2015.
“Flag” means a piece of cloth or other nonrigid material identifying one of the following:

1. Flag of a nation;

2. Commemorative flag such as a POW flag; or

3. Flag of a political subdivision.

“Flag, commercial.” See “Commercial flag.”

“Flashing sign” means a sign or a portion thereof that changes light intensity or switches on and off in a constant, random or irregular 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 letters” means individual letters, characters or marks comprising any portion of a sign or sign structure, whether erected flat against a wall or upon a framework for support.

“Freestanding sign” means a sign supported by poles, uprights, braces, or standards and is not connected to or supported by any other structure. Pole signs and monument signs are examples of freestanding signs.

“Freeway sign” means a pole or monument sign that is allowed by code for those properties that are located along the Interstate 5 (I-5) right-of-way as defined in this chapter. “Freeway signs” are specifically oriented to the traffic on the interstate rather than other state or local roadways.

“Garage sale sign” means a temporary sign that advertises a residentially based garage sale.

“Grade” means the elevation or level of the street (or parking lot) closest to the sign to which reference is made, as measured at the street centerline, or the relative ground level in the immediate vicinity of the sign.

“Grand opening” means welcoming clients, customers, etc., into a newly opened or relocated place of business for the purpose of promoting or familiarizing people with the business. To be eligible for grand opening signs, the business must be lawfully licensed by the city of Milton and have been open for three months or less (see also MMC 17.50.040(B)).
“Graphic” means any of the following: symbols or pictures formed by writing, drawing, or engraving, relating to the written or printed word, the symbols or devices used in writing or printing to represent a symbol, word, meaning, or message.

“Identification sign” means a sign that is limited to the name, address and number of a building, institution, or person and to the activity carried on in the building or institution, or the type of occupancy of the person.

“Illuminated sign” means a sign designed to give forth any artificial or reflected light, either directly from a source of light incorporated into or connected with such sign, or indirectly from a source intentionally directed upon it, so shielded that no direct illumination from it is visible elsewhere than on the sign and in the immediate proximity thereof.

“Incidental sign” means a small sign, four square feet or less in area, intended primarily for the convenience and direction of the public on the premises. Incidental signs do not advertise but are for informational purposes only. Incidental signs may contain information that denotes the hours of operation, telephone number, credit cards accepted, entrances and exits, and information required by law. Incidental information may appear on a sign having other copy as well, such as an advertising sign.

“Institutional sign” means a sign to identify educational, civic, and religious institutions.

“Internal illumination” means a source of lighting concealed entirely within a sign that makes sign graphics visible by transmitting light through a translucent or semi-translucent material.

“Landscaping” means trees, shrubs, and groundcover used around or under the base of monument signs. Required landscaping may be planted in concrete planters, landscape beds, or planter boxes.

“Lawn sign” means a temporary sign within the lawn or landscape area of a site. Lawn signs often identify businesses that have performed improvements to a building or site. Political signs are not considered lawn signs.

“Liquidation sign” means a temporary sign for the purposes of identifying liquidation sales.
“Logo” means an identifying emblem or insignia containing sign graphics, symbols or colors typically used for identification and/or advertisement.

“Marquee” means 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.

“Marquee sign” means a sign attached to and made part of a marquee. A marquee (or canopy) is defined as a permanent roof-like structure attached to and supported by the building and projecting beyond a building, but does not include a projecting roof.

“Monument sign” means a ground-mounted, fixed sign with a height ranging from five to 12 feet above the average ground elevation. The base (not included in the sign surface area calculation) is attached to the ground as a wide base of solid construction. In no instance shall the bottom of the sign be more than six inches above the base.

“Multiple occupancy building” means a single structure with a common building access that houses more than one retail business, office or commercial venture.

“Municipal facility sign” means a sign that is located on the premises of a facility owned or operated by the city of Milton.

“Mural” means a decorative design or scene intended to provide visual enjoyment that is painted or placed on an exterior building wall. A mural contains no commercial message, logo, corporate symbol, or registered trademark.

“Neighborhood identification sign” means a sign to identify a particular residential area or development.

“Neon lighting” means illuminated tubing forming sign graphics or that is otherwise used as an exposed lighting source. For the purpose of this chapter, the term “neon” will be considered a generic term for this type of lighting regardless of the type of fluorescing gas or material contained within the tubing.
“Neon sign” means neon lighting used to draw attention to a business or building in any manner, including (but not limited to) neon sign graphics, logos or outlining of a building’s architectural features.

“Nonconforming sign” means any sign, legally constructed, that does not conform to the requirements of this chapter.

“Nonstructural trim” means the molding, battens, caps, nailing strips, latticing, cutouts, or letters and walkways that are attached to the sign structure.

“Off-premises sign” means a sign that identifies, advertises, or gives directional information to a commercial establishment not located on the premises where the sign is installed or maintained. A billboard is an example of an off-premises sign.

“Off-site directional arrow real estate signs” means off-site, portable, temporary, directional signs intended to assist people in finding the location of difficult to locate property that is offered for sale. They may not exceed six inches in height or 24 inches in length per side, must be freestanding on their own stake and the bottom edge of the sign must be placed at ground level.

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

“On-site real estate sign” means a temporary or portable sign placed on the subject property that advertises that the property is for sale, rent, or lease. The number of such signs shall be limited to one per broker per street frontage or public entrance, whichever is greater. For a dwelling unit, the area of the sign shall be no greater than 12 square feet, where no sign face may exceed six square feet. For other uses and developments, the size of an on-site real estate sign shall not exceed 64 square feet, where no sign face may exceed 32 square feet. All on-site real estate signs must be removed when the sale closes or in the case of a rental or lease, when the tenant takes possession.

“Open house sign” means a portable or temporary sign advertising property that is for sale, rent, or lease. The number of such signs shall be limited to three per property per agent, except that if the agent has more than one property in a development listed for sale, rent, or lease, the agent’s total number of such signs for the development shall be limited to four. The area of such signs shall be no greater than 12 square feet. They may be placed in the right-of-way outside of
median strips, public sidewalks, and vehicular and bicycle lanes. They may not block driveways or be affixed to utility poles, trees, or traffic signs. Open house signs must be removed each day at the conclusion of the open house and are permitted only between sunrise and sunset when the seller or the agent are in attendance at the property.

“Painted signs” means a sign or sign structure, nonelectrical in nature, except such signs may have illumination from an exterior light source.

“Parapet” means that portion of a building wall that extends above the roof of the building.

“Patio sale sign” means a temporary sign that advertises a residentially based patio sale.

“Pennant” means a sign made of cloth, fabric, nonrigid plastic, or similar types of material that is not more than 24 square feet in size. Pennants may not contain text, numbers, or business/corporate images and symbols. No more than 12 pennants may be erected on a site. Banners and flags are not considered pennants. Pennants need not be triangular in shape.

“Perimeter” means the outer boundary required to enclose a sign area.

“Permanent sign” means a sign that is erected without restriction on the time period allowed for display.

“Planned center” means a group of structures housing at least one retail business, office, commercial venture or independent or separate part of a business that was processed through the site approval process as one project or that shares the access and/or parking facilities. Individual parcels need not be under the same ownership in order to qualify as a planned center.

“Pole sign” means any sign, electric or otherwise, hung, supported or cantilevered from one or more supports constructed of structural steel, pipe, other materials or combinations of same.

“Political sign” means any temporary sign that advertises a candidate for public elective office or any political party or a sign that promotes a position on a public or ballot issue.

“Porch sale sign” means a temporary sign that advertises a residentially based porch sale.

The Milton Municipal Code is current through Ordinance 1871, passed October 5, 2015.
“Portable sign” means any sign that is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support constructed without wheels is converted to an A or T frame sign, or attached temporarily or permanently to the ground, since this characteristic is based on the design of such a sign. It is characteristic of such a portable sign that the space provided for advertising matter consist of a changeable copy sign.

“Projecting sign” means a sign, other than a wall sign, that is attached to and projects more than one foot from a structure or other building face.

“Projection” means the distance by which a sign extends beyond its means of support.

“Public information sign” means a sign erected and maintained by any governmental entity for traffic direction or for designation of or directions to any school, hospital, historical site, or public service, property, or facility.

“Readerboard” means a sign consisting of tracks to hold letters that allows for frequent changes of copy; usually such copy is not electronic. A readerboard may be a component of a monument, pole, or wall sign.

“Readerboard, mobile” means a readerboard sign that is not permanently installed on-site.

“Real estate sign” means a sign erected by the owner or owner’s agent displayed for a limited time and offering the sale, rent or lease of ground upon which it is located or of a building located on the same parcel of ground.

“Repair” means to paint, clean, or replace damaged parts of a sign, or to improve its structural strength, but not in a manner that would change the size, shape, location, or character.

“Revolving sign” means any sign or sign structure that revolves or partially revolves by means of some mechanical method about an axis.

“Roof” means the exterior surface and its supporting structures on the top of a building. Overhangs extending beyond the facade of the lower wall are considered part of the roof.
“Roof sign” means any sign erected upon, against, or directly above a roof or parapet of a building or structure. Eighty percent of the sign area shall be backed by the roof system.

“Seasonal decorations” means temporary decorations for holidays that do not fall under the definition of a sign and that are installed no sooner than 30 days before a holiday and removed no later than five days after the holiday. Decorations that fall under the definition of a sign must conform to all provisions of the sign code.

“Sign” means any object, device, display, structure or part thereof that is used to advertise, identify, direct, or attract attention to a product, business, activity, place, person, institution, or event using words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Directional and incidental signs are considered signs for the purpose of this chapter.

“Sign area” means the entire area of a sign on which advertising copy, logos, trademarks, and business or corporate colors are to be placed. Sign structures and associated architectural embellishments, framework and decorative features that contain no written or advertising copy, that are not illuminated and that contain no logos or trademarks shall not be included. Sign area shall be calculated by measuring the area of the smallest rectangle, circle, triangle or parallelogram that can be drawn around all parts of the sign from the viewpoint exposing the largest sign surface area, including the sign face background, and including all spaces and voids between or within letters or symbols that comprise a single word, statement, description, title, business name, graphic symbol or message for all sign faces. Sign supporting structures that are part of the sign display shall be included in the area of calculation. The entire perimeter area of the letters, graphics, symbols, and framework shall be used to determine sign area.

“Sign graphics” includes all lines, strokes, text, symbols and logos applied to a sign surface and does not include the background surface to which they are applied.

“Sign height” means the vertical distance measured from the adjacent grade at the base of the sign to the highest point of the sign structure; provided, however, that the grade of the ground may not be built up in order to allow the sign to be higher.

“Sign structure” means any structure that supports or is capable of supporting any sign as defined in this chapter. A sign structure may be a single pole and may or may not be an integral part of a building. Any structure that performs an
entirely separate use, such as a telephone booth, bus shelter, Goodwill container, fence, etc., shall not be considered a sign structure.

“Silhouette lighting,” sometimes called “halo lighting,” means lighting being emitted from the back side of pan-channel sign graphic that has the open side of the channel facing the wall or sign face it is mounted to, thereby silhouetting the sign graphics.

“Subdivision identification sign,” means a sign no larger than 36 square feet to identify a particular subdivision that is larger than four acres or more in size.

“Swinging sign” means a sign installed on an arm or spar that is fastened to an adjacent wall or upright pole, which sign is allowed to move or swing to a perceptible degree.

“Temporary sign” means any banner, pennant, or other advertising display, with or without frames, constructed of cloth, light fabric, paper, plastic, cardboard, or other similar material. Temporary signs are not intended for ongoing advertising of products or services or for the naming of a business in lieu of a permitted permanent sign.

“Temporary sign, sports field” means any maintained, nonfreestanding sign attached to fencing at a sports field that can only be displayed during the sport’s season of play and must be removed at the end of the sport’s season of play.

“Traffic advisement sign” means a sign erected within the public right-of-way alerting motorists of impending road conditions. Signs depicting rail road crossings, curves ahead, crosswalks, and deer crossings are examples of traffic advisement signs. Allowable traffic advisement signs are identified in the AASHTO manual.

“Traffic control signs” means a sign erected within the public right-of-way identifying restrictions on travel. Examples of traffic control signs include stop signs, one-way signs, and speed limit signs.

“Unlawful sign” means any sign that was erected in violation of any applicable ordinance or code governing such erection or construction at the time of its erection, which sign has never been in conformance with all applicable ordinances or codes.
“Vision clearance area” means an area for the preservation of unobstructed sight distance. Vision clearance areas shall conform to the following requirements:

1. All corner lots shall maintain for safety vision purposes a triangular area, two sides of which shall extend 20 feet along the lot lines from the corner of the lot formed by the intersection of the two streets. Within the triangle no tree shall be allowed, and no fence, shrub, or other physical obstruction higher than 42 inches above the established grade shall be permitted.

2. On lots upon which a vehicular driveway is maintained, an area of vision clearance shall be maintained on each side of the driveway. The area shall be defined by a triangle, extending 20 feet along the lot line abutting the street and 20 feet along the driveway.

3. If the driveways of adjacent properties vision clearance is affected then the fence, shrub, tree or sign must meet the requirements of subsections 1 and 2 of this definition.

4. The requirements listed in subsections 1, 2 and 3 of this definition shall be subject to MMC 12.20.030.

“Wall plane” includes that portion of a facade that is contained on one general plane. A single wall plane may contain windows and doors but it is generally a solid surface. The fascia of projecting porches or colonnades may be considered part of the wall plane the porch or colonnade projects for calculating signage area.

“Wall sign” means 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. Wall signs shall be supported throughout their 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 “sign attached to a building.”

“Window sign” means a sign painted on, affixed to, or installed inside a window for purposes of viewing from outside the premises.

“Yard sale sign” means a temporary sign that advertises a residentially based yard sale. (Ord. 1666 § 2, 2006; Ord. 1563 § 1, 2003; Ord. 1474 § 1, 2001; Ord. 1437 § 1, 2000).
17.50.030 Administration and enforcement.
A. All new temporary or permanent signs require sign permits unless specifically exempted by MMC 17.50.070. Sign permits require full conformance with all city codes. The land use administrator shall issue all permits for the construction, alteration, and erection of signs in accordance with the provisions of this section and related chapters and titles of the municipal code.

B. It shall be the duty of the land use administrator, or code enforcement officer, of the city of Milton to interpret and enforce this section. In addition to meeting the provisions of this section of the zoning code, the permits, materials, structural design, construction, inspection, and maintenance requirements for signs must conform to Chapter 15.04 MMC, administered by the public works department. In addition, all signs, where appropriate, shall conform to the current National Electrical Code and the National Electrical Safety Code. (Ord. 1666 § 2, 2006; Ord. 1536 § 1, 2002; Ord. 1437 § 1, 2000).

17.50.040 Permits required.
A. It shall be unlawful for any person to erect, reerect, construct, enlarge, display, change copy, alter or move a sign, or cause the same to be done, without first obtaining a permit for each sign from the land use administrator as required by this chapter.

B. A permit shall be required for signs installed simultaneously on a single supporting structure. Thereafter, each additional sign(s) erected on the structure must have a separate permit.

C. This section shall not be construed to require an additional permit to repaint, clean, or otherwise perform normal maintenance or repair of a permitted sign or sign structure, nor shall it be construed to require an additional permit for the change of copy for a changeable copy sign. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.050 Permit application requirements.
To obtain a sign permit, the applicant shall make application in writing on forms furnished by the public works department. Every application for a permanent sign shall include the following:

A. Telephone number and address of the owner or agent are required on temporary signs. This information need not be on the front of the sign;
B. Identification and description of the sign including the type, size, dimensions, height, and number of faces;

C. Description of the land where the proposed sign is to be located by street address;

D. An affidavit that the written consent of the owner or person in legal possession of the property or agent of the owner or person in legal possession of the property to which or upon which the sign is to be erected has been obtained;

E. Sign drawings showing display faces with the proposed message and design accurately represented as to size, area, and dimensions;

F. Site plan drawn to scale containing a north arrow, location of property lines, lot dimensions, location of existing signs, and the location of the proposed sign on the site;

G. Plans, elevations, diagrams, light intensities, structural calculations and other material as may be reasonably required by the land use administrator;

H. If the sign application is for a freestanding sign that proposes a footing, a building permit is required;

I. Documentation demonstrating that the sign installer has a valid Washington State contractor’s license when a sign requires a building permit unless the sign is being installed by the owner of the sign;

J. Application for an electrical permit from the city of Milton or other electric provider for any electrical sign;

K. A permit fee as adopted in the latest fee ordinance of the city council;

L. Proof that a city of Milton business license has been obtained by the sign installation contractor and the company that is utilizing the permitted sign if the company utilizing the permitted sign is required to obtain a business license. (Ord. 1837 § 7, 2014; Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.060 Prohibited signs.
The following signs shall not be permitted in any zoning district:

A. Signs that pose a hazard to public health or safety, as determined by the building official;

The Milton Municipal Code is current through Ordinance 1871, passed October 5, 2015.
B. Signs that make use of words such as “Stop,” “Look,” “One-Way,” “Danger,” “Yield,” “Slow, Children At Play,” “Detour,” “Road Construction” or any similar word, phrase, symbol, or light so as to interfere or be confused with pedestrian or vehicular public safety signs as identified in the AASHTO manual;

C. Signs displaying obscene, indecent, or immoral matter as per Chapter 5.44 MMC;

D. Signs that obstruct ingress or egress from fire escapes, doors, windows, or other exits or entrances;

E. Signs attached to or placed on any stationary vehicle or trailer, whether operating or not, so as to be visible from a public right-of-way for the purpose of providing advertisement of services or products or for the purpose of directing people to a business. This provision shall not apply to the identification of a firm or its principal products on operable vehicles operating in the normal course of business. Public transit buses and licensed taxis are exempt from this restriction;

F. Off-premises signs except for off-premises real estate signs as permitted under MMC 17.50.140;

G. Rotating and revolving signs;

H. Signs containing strobe lights that are visible beyond the property line;

I. Abandoned signs;

J. Permanent signs on undeveloped sites, except for subdivision signs;

K. Outdoor, portable electric signs;

L. Mobile readerboard signs except as permitted under MMC 17.50.140 as temporary signs;

M. Signs on utility poles;

N. Signs on sign posts of advisory signs such as “curve ahead,” “crosswalk,” or “road narrows”; 

O. Blinking or flashing lights, balloons, searchlights, clusters of flags, strings of twirlers or propellers, flares, and other displays of a carnival nature, grand opening displays, or on a limited basis as seasonal decorations except as provided for in MMC 17.50.140;
P. Banners except as approved as temporary signs under MMC 17.50.140;

Q. Balloons except as approved as temporary signs under MMC 17.50.140;

R. Signs on or eligible for listing on federal or state historic registers are excluded from this provision;

S. No public address system or sound devices shall be used in conjunction with any sign or advertising device;

T. No sign shall be used as a fence nor shall any fence be used as a sign nor shall any sign be attached to a fence;

U. Billboard signs; and

V. Any other type or kind of sign that does not comply with the terms, conditions, provisions, and intent contained in this chapter and other applicable ordinances. (Ord. 1712 § 1, 2007; Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.070 Exempt signs.
The following signs do not require a permit for installation. All other provisions of this chapter apply.

A. Temporary political signs under six square feet per face;

B. Legal notices, identification, traffic, or other signs erected or required by governmental authority under any law, statute or ordinance;

C. Seasonal holiday decorations not including any form of advertising or the name of a business;

D. Handicap parking signs;

E. Signs on product dispensers permitted outside of a business. These signs may include signs on vending machines and gas pumps;

F. Menu boards for drive-through businesses; provided, that the copy on the sign is not intended to be readable from a public right-of-way;

G. Professional nameplates not exceeding two square feet in area;

H. Plaques, tablets or inscriptions indicating the name of a building, date of erection, or other commemorative information, that are an integral part of the
building structure or are attached flat to the face of the building, that are nonilluminated, and that do not exceed four square feet in surface area;

I. Signs of the state, city or public service companies indicating danger, aids to service or safety, traffic control or traffic direction signs or signs identifying programs such as the adopt-a-road litter control program, etc.;

J. Historic site markers, plaques, or gravestones;

K. Address numbers or signs depicting a family name, such as Keck’s residence;

L. Signs on structures or improvements intended for a separate use, such as phone booths, charitable donation containers, and recycling boxes;

M. Building addresses with numbers and letters not more than 10 inches in height;

N. Signs not oriented or intended to be legible from a right-of-way, other property, or from the air. Examples may include signs identifying rules for a swimming pool, signs identifying restroom facilities, and tow-away signs;

O. Parking lot painting of handicap symbols, striping, numbers, and notations of compact spaces;

P. Painted wall decorations or murals;

Q. Painted wall highlights;

R. Signs affected by stipulated judgments to which the city is a party, entered by courts of competent jurisdiction;

S. Flags and commercial flags not to exceed 12 in number; and

T. Locally designated historic signs. The Milton Light and Water sign located on the western building elevation of the Public Works Building at 1000 Laurel Street has been identified as a sign of locally important historical significance. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.080 General provisions.
A. The area of all signs shall not exceed 200 square feet except for uses with building fronts more than 100 feet long. For uses in which the building linear front footage exceeds 100 feet, the maximum area of all signs shall not exceed an area equal to two times the linear front footage of the building or 450 square feet,
whichever is less. Multiple occupancy buildings may display an additional 50 square feet of wall signage for no more than two building tenants, other than the primary tenant, subject to the provisions of MMC 17.50.110. In no instance shall the primary tenant be permitted to use any of the additional signage to increase the maximum allowed signage for the primary tenant.

B. Number and Spacing of Monument Signs. One monument sign is permitted per primary street frontage; one additional monument sign is permitted for each additional 300 feet of primary street frontage. Multiple monument signs shall be a minimum of 250 feet apart along one or more street frontages.

C. Indirect Lighting. Monument signs, where permitted in residential zones (RS, RMD, RM), shall only be illuminated from an indirect source. Civic uses that are a permitted or a conditional use in the residential zones may have an “electronic sign,” subject to the approval of a conditional use permit for the sign. For civic uses that are conditional uses in the residential zones, the approval for the use and the sign may be combined into a single conditional use permit. (Ord. 1666 § 2, 2006; Ord. 1474 § 2, 2001; Ord. 1437 § 1, 2000).

17.50.083 Signs in the right-of-way.

A. With the exception of traffic control and advisement signs, A-board/sandwich board signs, open house signs, real estate directional arrow signs, temporary political signs, temporary construction signs associated with work within the public right-of-way, and properly authorized banners (see MMC 17.50.140(A)(4)), no signs shall be erected or placed within the public right-of-way. Traffic control and advisement signs, A-board/sandwich board signs, open house signs, and real estate directional arrow signs may be placed in the right-of-way outside of median strips, public sidewalks, and vehicular and bicycle lanes. They may not block driveways or be affixed to utility poles, trees, or traffic signs, and shall not block vision clearance areas.

B. Vision Clearance Area. Pole signs are permitted in the vision clearance area where the bottom of the sign is at least 10 feet above the elevation of the street grade.

C. Vehicle Area Clearances. When a sign extends over a private area where vehicles travel or are parked, the bottom of the sign structure must be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and maneuvering areas. Exceptions are prohibited.
D. Pedestrian Area Clearances. When a sign extends over a walkway or other space accessible to pedestrians, the bottom of the sign structure must be at least eight feet above the ground. Exceptions are prohibited. (Ord. 1666 § 2, 2006; Ord. 1474 § 2, 2001; Ord. 1437 § 1, 2000).

**17.50.085 Freeway signs.**
Freeway signs are located along and specifically oriented toward traffic on I-5.

A. Maximum Number and Spacing.

1. RS, RMD, RM, MX, CF, OS: Zero.

2. B, M-1: One per parcel or one per planned center when the parcel or planned center directly abuts the I-5 right-of-way. The parcel or planned center shall be a minimum of 12,000 square feet in area, or have been legally created prior to January 1, 2003, in order to erect a freeway sign. The freeway sign is in addition to other allowed signage, it shall be located along the side of the property nearest I-5, and it shall be oriented toward I-5.

B. Size Allocation.

1. RS, RMD, RM, MX, CF, OS: Does not apply.

2. B, M-1: Up to a maximum sign area of 250 square feet. No sign face shall exceed 125 square feet.

C. Maximum Height.

1. RS, RMD, RM, MX, CF, OS: Does not apply.

2. B, M-1: 40 feet.

D. Landscape and Siting Requirements. Freeway signs shall be located in a planting bed of equal area to the area of the sign. The planting bed may be included within the planting strips required under Chapter 17.15C MMC. The minimum dimension of the planting bed shall be 10 feet measured from inside face of the curb to inside face of curb. The planting beds shall be improved with the following:

1. One gallon groundcover planted 12 inches on center; and
2. One shrub per 10 square feet of sign area. Shrubs located within the vision clearance area shall not be taller than 36 inches. (Ord. 1666 § 2, 2006; Ord. 1563 § 2, 2003).

17.50.090 Pole signs.
Pole signs are an alternative to monument signs for planned centers on parcels of five acres or greater with a minimum of 300 feet of street frontage.

A. Maximum Number and Spacing.

1. RS, RMD, RM, MX: Zero.

2. B, CF, M-1, OS: One center identification sign per parcel of five acres or greater with a minimum of 300 feet of street frontage or one per planned center of five acres or greater with a minimum of 300 feet of street frontage. One additional center identification pole sign is permitted for each additional 300 lineal feet of street frontage. Multiple center identification pole signs shall be a minimum of 250 feet apart along one or more street frontages.

B. Size Allocation.

1. RS, RMD, RM, MX: Does not apply.

2. B, CF, M-1, OS: One square foot of sign area for each lineal foot of primary street frontage up to a maximum sign area of 200 square feet. No sign face shall exceed 100 square feet.

C. Maximum Height.

1. RS, RMD, MX: Does not apply.

2. RM: 12 feet.


D. Landscape and Siting Requirements. Pole signs shall be located in a planting bed of equal area to the area of the sign. The planting bed may be included within the planting strips required under Chapter 17.15C MMC. The minimum dimension of the planting bed shall be five feet measured from inside face of curb to inside face of curb. The planting beds shall be improved with the following:

1. One gallon groundcover planted 12 inches on center; and
2. One shrub per 10 square feet of sign area. Shrubs located within the vision clearance area shall be not taller than 36 inches. (Ord. 1666 § 2, 2006; Ord. 1474 § 3, 2001; Ord. 1437 § 1, 2000).

17.50.100 Monument signs.
Monument signs are the preferred sign type along street frontages.

A. Maximum Number.

1. RS, RMD, MX: Zero for residential uses; one per street frontage for permitted or conditionally permitted nonresidential uses. One subdivision identification sign is permitted per subdivision greater than four gross acres in size.

2. RM: One per street frontage. The parcel must have a minimum 30 feet of street frontage.

3. B, CF, M-1, OS: One per street frontage. The parcel must have a minimum of 30 feet of street frontage.

B. Size Allocation.

1. RS, RMD, MX: Does not apply to residential uses. Maximum 64 square feet for permitted or conditionally permitted nonresidential uses; except for a subdivision identification sign which may be a maximum of 36 square feet.

2. RM: 64 square feet.

3. B, CF, M-1, OS: Minimum of 32 square feet plus one square foot per lineal foot of primary street frontage up to a maximum sign area of 96 square feet. No sign face shall exceed 48 square feet.

C. Maximum Height.

1. RS, RMD, MX: Eight feet.

2. RM: 12 feet.

3. B, CF, M-1, OS: 12 feet.

D. Landscape and Siting Requirements. Monument signs shall be located in a planting bed of equal area to the area of the sign. The planting bed may be included within the planting strips required under Chapter 17.15C MMC. The Milton Municipal Code is current through Ordinance 1871, passed October 5, 2015.
minimum dimension of the planting bed shall be five feet measured from inside face of curb to inside face of curb. The planting beds shall be improved with the following:

1. One gallon groundcover planted 12 inches on center; and
2. One shrub per 10 square feet of sign area. Shrubs located within the vision clearance area shall be not taller than 36 inches.

E. When Not Allowed. A monument sign is not permitted if existing signs attached to buildings exceed the limit of 15 percent of the wall area. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.105 **Mixed use town center monument sign.**

A. In addition to any other signs allowed by this chapter and notwithstanding any restriction placed by this chapter on off-premises signs, there is allowed one community monument sign in the mixed use town center. This community monument sign may be placed anywhere within the area depicted in Exhibit A, attached to Ordinance 1577 and incorporated by this reference as if set forth in full.

B. The community monument sign allowed by this section shall be a maximum of eight feet high, one foot thick and 64 square feet of area.

C. Only one community monument sign shall be allowed for the businesses located in the MX district.

D. The Milton/Edgewood Chamber of Commerce or the first MX district business to submit a complete application for a sign permit for a community monument sign shall be authorized to construct and maintain the sign upon acquiring approval of the permit. Any sign permit issued for a community monument sign shall expire if the sign is not constructed within six months of permit issuance, subject to a six-month extension for good cause as determined by the planning and community development director. If a sign permit expires or is denied, the right to build the sign shall go to the next person to file a complete permit application.

E. In addition to the requirements specified in MMC 17.50.050, an application for a community monument sign shall contain the following information:
1. An affidavit or declaration of mailing evidencing that all businesses within the MX district have been notified of the opportunity to have their business advertised on the community monument sign. Said notice shall have given businesses at least 15 days to elect to participate by written mailed or delivered response to a specified address. Said notice shall be mailed to the addresses of each business as identified in records at the Pierce County assessor’s office.

2. A list of all those businesses that have elected to participate.

3. An acknowledgement approved in form by the city that the applicant agrees to assume full responsibility for maintenance of the sign and compliance with applicable city regulations. The acknowledgement shall provide that the applicant may transfer its responsibilities to any other MX district business owner willing to sign the acknowledgement if a copy of the new acknowledgement is provided to the city.

4. An easement approved as to form by the city that authorizes the city to remove the sign at the expense of the person or entity subject to the acknowledgement identified in subsection (E)(3) of this section if the acknowledgor relinquishes its responsibilities to maintain the sign or comply with city regulations. The acknowledgor shall be deemed to have relinquished its responsibilities if it fails to undertake an act required by this section within 30 days of receiving written notice from the city.

F. In addition to any other requirement that may apply to a sign permit, the following conditions apply for the issuance of a sign permit for a community monument sign:

1. All businesses identified in subsection (E)(2) of this section shall have equal advertising space on the community monument sign. The acknowledgor can condition the participation of each business on entering into a private agreement with the acknowledgor to reimburse the acknowledgor for its proportionate share of costs in constructing the sign and fulfilling its responsibilities imposed by this code section. All advertising on the community monument sign shall be limited to advertising MX district businesses. Beyond those limitations identified in this subsection, the acknowledgor may not place any further limitations on participation in the community monument sign.
2. The community monument sign as proposed will comply with the requirements of this section and all other applicable city requirements.

G. The person or entity subject to the acknowledgement in subsection (E)(3) of this section shall have the following responsibilities upon permit issuance:

1. Ensure that the sign complies with all city regulations during the life of the sign, including maintenance responsibilities imposed by MMC 17.50.160 as now or hereafter amended.

2. Remove businesses advertised on the community monument sign that are no longer located within the MX district and replace them with businesses that wish to participate and have located in the MX district after notice to MX business was issued under subsection (E)(1) of this section. Businesses shall be given priority in order of seniority in the MX district. If no new business wishes to replace a business that is removed from the sign, the acknowledgor may inquire if businesses that previously declined to participate in the sign wish to be added, in order of seniority in the MX district. Any newly participating business shall be subject to the applicable limitations of subsection (F)(1) of this section. (Ord. 1666 § 2, 2006; Ord. 1663 § 19, 2006; Ord. 1577 § 1, 2003).

17.50.110 Signs attached to buildings.

Awning, fascia, graphic, marquee, roof, and wall signs are permitted signs for attachment to buildings. Signs attached to buildings are permitted on wall elevations that are viewable from public rights-of-way or on wall elevations containing public entrances to the building.

A. Maximum Number. No limit within the size allocation. A limit of one roof sign per wall elevation viewable to the public (see roof sign definition). Multiple occupancy buildings may display one additional wall sign for each tenant, other than the primary tenant, up to a maximum of two additional secondary tenant signs, subject to the maximum area per sign described in subsection C of this section.

B. Size Allocation.

1. RS, RMD: Four square feet for residential uses; 10 percent of the wall area for permitted or conditionally permitted nonresidential uses.

2. RM: Eight square feet.
3. MX: 48 square feet or 15 percent of the wall area, whichever is greater.

4. B, CF, M-1, OS: 48 square feet or 15 percent of the wall area, whichever is greater.

C. Maximum Area per Sign.

1. RS, RMD: Four square feet; 32 square feet per sign for signs for permitted or conditionally permitted nonresidential uses (roof signs are prohibited).

2. RM: Eight square feet (roof signs are prohibited).

3. MX: 100 square feet (each roof sign may be a maximum of 48 square feet, where no sign face may exceed 24 square feet). For multiple occupancy buildings, the individual building tenant signs allowed by subsection A of this section shall not exceed 25 square feet per sign face.

4. B, M-1: 200 square feet (each roof sign may be a maximum of 48 square feet, where no sign face may exceed 24 square feet). For multiple occupancy buildings, the individual building tenant signs allowed by subsection A of this section shall not exceed 25 square feet per sign face.

5. CF, OS: 100 square feet (each roof sign may be a maximum of 48 square feet, where no sign face may exceed 24 square feet).

D. Wall signs shall not exceed 12 inches in thickness. (Ord. 1666 § 2, 2006; Ord. 1474 § 4, 2001; Ord. 1437 § 1, 2000).

17.50.120 A-board/sandwich board signs.

A. Maximum Number.

1. RS, RMD, RM: Zero.

2. B, CF, M-1, MX, OS: One.

B. Size Allocation.

1. RS, RMD, RM: Does not apply.

2. B, CF, M-1, MX, OS: 12 square feet.

C. Maximum Height.

1. RS, RMD, RM: Does not apply.
2. B, CF, M-1, MX, OS: Four feet.

D. Duration. A-board/sandwich board signs are permitted to remain in place only during the hours of a business’ operation. A-board/sandwich board signs shall be removed at the close of business each day. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.130 Directional signs.
A. Type. Directional signs refer to a permanently erected single- or double-faced sign designed to guide or direct pedestrian or vehicular traffic to an area, place, or convenience.

B. Content. Directional signs shall only contain information on exits, entrances, parking, telephones, restrooms, or similar types of information and the name and/or logo of the business where the directional sign is located.

C. Number. One per directional access from a primary street frontage plus one additional directional sign per business.

D. Size and Height. The maximum size of directional signs shall be six square feet. The maximum height for directional signs shall be 42 inches. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.135 Political signs.
A. Political signs that require a building or electrical permit are prohibited.

B. Political signs on private property shall be subject to all applicable permit requirements.

C. Political signs are allowed in all zones.

D. Political signs on private property shall be limited to one sign per street frontage, and shall be no greater than 16 feet in area. (Ord. 1666 § 2, 2006).

17.50.140 Temporary signs.
A. Temporary signs shall conform to MMC 17.50.080.

1. Unless otherwise identified below, the duration of display of a temporary sign shall not exceed 90 days during any 12-month period, unless otherwise noted in subsection B of this section;
2. No flashing temporary signs of any type shall be permitted; however, internally illuminated signs, e.g., portable readerboards, shall be permitted; provided, that they conform to the current National Electrical Code and the National Electrical Safety Code;

3. All temporary signs shall be securely fastened and positioned in place so as not to constitute a hazard to pedestrians or motorists;

4. No temporary sign shall project over or into a public right-of-way or property except properly authorized banners over streets installed by the city of Milton.

B. The duration of display for the following temporary signs shall be as follows:

1. Grand opening displays including: posters, pennants, banners or streamers, balloons, searchlights, clusters of flags, strings of twirlers or propellers, flares, and other displays of a carnival nature (12-day maximum time period);

2. Lawn signs (30-day maximum time period);

3. Liquidation signs (one week maximum time period);

4. Garage, porch, and patio sale signs (72-hour maximum time period);

5. Yard sale signs (72-hour maximum time period);

6. Real estate signs (30-day maximum time period beyond the date when the property is sold or no longer offered for sale);

7. Off-premises real estate signs (daily, signs may only be posted during the hours of 8:00 a.m. and 6:00 p.m.);

8. Open house signs (72-hour maximum time period);

9. Subdivision signs (30-day maximum time period beyond the date when the final certificate of occupancy has been issued);

10. Construction signs denoting the architect, engineer or contractor, when placed upon the premises while construction work is in progress. Said signs not to exceed 16 square feet in area (30-day maximum time period beyond the date when the certificate of occupancy is issued for the last structure);
11. Nonprofit institutional signs for the purpose of soliciting funds for a capital project on the site. Such signs may not be permitted at the same time as a construction sign (maximum three years from date of permit application);

12. Rooftop balloon signs with a vertical dimension not greater than 25 feet (maximum of one week per calendar year per business);

13. Banners (maximum of six 21-day periods per calendar year);

14. Temporary signs, sports field (maximum of 75 days per calendar year); and

15. Political signs shall be removed within seven days after the election, except that a candidate who wins a primary election may continue to display political signs until seven days after the general election. (Ord. 1666 § 2, 2006; Ord. 1649 § 1, 2005; Ord. 1474 § 5, 2001; Ord. 1437 § 1, 2000).

17.50.150 Nonconforming signs.
A. A sign is legally nonconforming if it is out of conformance with this code, and:

1. The sign was lawfully erected in compliance with the applicable sign ordinance of the city or county which was effective at the time of sign installation, and a valid permit for such sign exists; or

2. The sign was erected prior to January 1, 1996.

B. A legal nonconforming sign shall be brought into compliance with this chapter or shall be removed if:

1. The sign is abandoned;

2. The sign is damaged in excess of 50 percent of its replacement value, unless such destruction is the result of vandalism or intentional destruction or removal by someone not authorized by the sign owner;

3. The owner seeks to change the sign structure supporting, holding, or surrounding the sign, other than minor maintenance or repair;

4. The tenant space(s) to which the sign applies is undergoing an expansion or renovation which increases the size of the tenant space floor area or site coverage by 20 percent or more, or the value of the expansion or renovation exceeds 50 percent of the assessed value of the structure;
5. The building to which the sign applies is demolished. (Ord. 1716 § 1, 2008; Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.160 Maintenance of signs.
All signs and landscape, including signs heretofore installed, shall be constantly maintained in a state of security, safety, and repair. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous (see dangerous signs), it shall be the duty of the owner and/or occupant of the premises on which the sign is fastened to repair or remove the sign within five working days after receiving notice from the building official. For damaged or disrepaired signs, it shall be the duty of the owner and/or occupant to repair or remove the sign within 30 days. The premises surrounding a sign shall be free and clear of rubbish and the landscaping area free of weeds. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.170 Removal of signs.
A. All signs and sign structures nonconforming in the structural requirements as specified in the International Building Code which as a consequence are a hazard to life and property, or which by its condition or location present an immediate and serious danger to the public, shall be discontinued or made to conform within the time the building official may specify. In the event the owner of such sign cannot be found or refuses to comply with the order to remove, the building official shall then have the dangerous sign removed and the owner cited. The cost of removing the sign plus administrative costs will be charged to the property owner.

B. Any person who owns or leases a nonconforming sign shall remove such sign when the sign has been abandoned:

1. If the person who owns or leases such sign fails to remove it as provided in this section, the building official shall give the owner of the building, structure, or premises upon which such sign is located 60 days’ written notice to remove it;

2. If the sign has not been removed at the expiration of the 60 days’ notice, the building official may remove such sign at cost to the owner of the building, structure, or premises; and

3. Costs incurred by the city of Milton due to removal may be made a lien against the land or premises on which such sign is located, after notice and
hearing, and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the city. (Ord. 1666 § 2, 2006; Ord. 1663 § 20, 2006; Ord. 1437 § 1, 2000).

17.50.180 Deviation from standards.
A. Authority. The land use administrator may grant a deviation from the requirements of this chapter using Process II (Chapter 17.71 MMC). In granting any deviation, the director may prescribe conditions that are necessary to satisfy the criteria below.

B. The land use administrator may grant a deviation from standards from the provisions of MMC 17.50.150(B)(4) requiring the removal of a nonconforming sign because of a change in copy only if the circumstances prompting the deviation from standards request do not result from the actions of the applicant. A change in telephone area code or street name are two examples of potential changes in copy that would not be prompted by the actions of the applicant.

C. The land use administrator may grant a deviation from standards of this chapter only if the applicant demonstrates compliance with the following criteria:

1. The deviation from standards as approved shall not constitute a grant which is inconsistent with the intent of the sign code;

2. That the deviation from standards is necessary because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;

3. That the granting of the deviation from standards will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and in the zone in which the subject property is located;

4. That the special conditions and circumstances prompting the deviation from standards request do not result from the actions of the applicant;

5. That the deviation from standards as granted represents the least amount of deviation from the prescribed regulations necessary to accomplish the purpose for which the deviation from standards is sought and which is consistent with the stated intent of this chapter;
6. That the granting of the deviation from standards shall result in greater convenience to the public in identifying the business location for which a sign code deviation from standards is sought; and

7. That the granting of the deviation from standards will not constitute a public nuisance or adversely affect the public safety and the proposed deviation from standards shall not interfere with the location and identification of adjacent buildings or activities. (Ord. 1741 § 23, 2009; Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.190 Penalty for violations.
A. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, move, improve, convert, demolish, equip, or use any sign or sign structure in the city, or cause or permit the same to be done, contrary or in violation of any provisions of this chapter.

B. Any person, firm, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and punishable as set forth in Chapter 1.08 MMC. (Ord. 1666 § 2, 2006; Ord. 1536 § 2, 2002; Ord. 1437 § 1, 2000).

17.50.200 Severability.
If any clause, sentence, paragraph, section or part of this chapter or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgement shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any part thereof to any other person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).
Chapter 17.50

SIGN CODE*

Sections:
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*Prior legislation: Ord. 1405.

17.50.010 Purpose.
The purpose of this chapter is to regulate the installation, alteration, relocation, number, size, height, material, and placement of signs within the city. In-conformance with the comprehensive plan, the regulation of signs is found to protect the health, safety, and welfare of the citizens. It is intended to promote the aesthetic appearance of the city to maintain and enhance its protection.
The Milton Municipal Code is current through Ordinance 1871, passed October 5, 2015.

17.50.020 Definitions.

“A-board/sandwich board signs” means small type signs, either single- or double-faced, portable, upon which is generally placed advertising copy denoting products or services being offered upon the premises on which such signs are placed.

“Abandoned sign” means 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 and which has not been changed or removed within 180 days of a tenancy change ceasing to be relevant.

“Advertising copy” means any sign graphics, background colors, logos or trademarks that identify or promote the sign user or any product or service; or that provides information about the sign user, the building or the products or services available.

“Awning” means any structure made of cloth, metal, or other material with a frame attached to a building, whether or not the same is so erected as to permit its being raised to a position. Some awnings can be raised flat against the building when not in use.

“Awning sign” means a sign affixed to the surface of an awning and which does not extend vertically or horizontally beyond the limits of such awning.

“Balloon” means a latex balloon 36 inches or less in diameter tethered on a cord not greater than four feet in length.

“Balloon, rooftop” means a balloon with a vertical dimension greater than 36 inches but not greater than 25 feet.

“Banner sign” means a sign made of cloth, fabric, paper, nonrigid flexible plastic or similar types of material. Banners may contain text, numbers, graphic images or symbols. Pennants and flags are not considered banners.

“Billboard” means a preprinted or handpainted changeable advertising copy an off-premise sign that directs attention to businesses, commodities, services, or facilities.
that are not primarily sold, manufactured, or distributed from the property on which the sign is located. The term “billboard” includes both the structural framework that supports a billboard and any billboard faces attached thereto. Although sometimes smaller, billboard sizes often range from 12 to 14 feet in height and 24 to 48 feet in width. A billboard is not a “changeable copy sign” as defined below.

“Building facade” means the exterior walls of a building exposed to public view or that cannot be viewed by persons not within the building.

“Business sign” means a sign located on the premises of the business with which it is associated.

“Canopy” means any structure, other than an awning, made of cloth, metal, or other materials with framework attached to a building or carried by a frame supported by the ground.

“Canopy sign” means any sign erected upon, under, against or directly above a canopy.

“Center identification sign” means any sign that identifies a shopping center, industrial center, or office center by name, address, or symbol. Center identification signs may also identify individual tenants or businesses within the center.

“Change in nature” means an expansion of the building or structure housing the business in excess of 50 percent of the existing assessed value, or a change in the name of the business that would require a change in signage.

“Changeable copy sign (manual)” means any sign that is designed so that characters, letters, or illustrations can be changed or rearranged by hand without altering the face or the surface of the sign; i.e., readerboards with changeable pictorial panels. A billboard is not a changeable copy sign.

“Changing message center” means an electronically controlled sign, message center, or readerboard where copy changes of a public service or commercial nature are shown on the same lamp bank; i.e., time, temperature, date, news, or commercial information of interest to the traveling public.

“Commercial flag” means a flag no larger than 24 square feet identifying the words, numbers, or business/corporate images and symbols. No more than 12 commercial flags may be erected on a site.

“Construction sign” means a temporary nonilluminated sign giving the name or names of principal contractors, architects, lending institutions, or other persons...
or firms responsible for construction on the site where the sign is located, together with other information included thereon.

“Damaged/disrepaired sign” means a sign that is damaged, in disrepair, or vandalized and not repaired within 60 days of the damaging event.

“Dangerous sign” means a sign that by nature of its condition is hazardous to the public’s health, safety, and welfare.

“Directional sign” means a permanently erected single- or double-faced sign designed to guide or direct pedestrian or vehicular traffic to an area, place, or convenience. Directional signs shall only contain information on exits, entrances, parking, telephones, restrooms, or similar types of information and the name and/or logo of the business where the directional sign is located.

“Directory sign” means a sign on which the names and locations of occupants or the use of a building is given.

“Display surface” means the area made available by the sign structure for the purpose of displaying the advertising message.

“Double-faced sign” means a sign that has advertising copy on opposite sides of a single display surface or sign structure. Wedge, round or multifaceted signs shall not be considered double-faced signs when determining square footage. Instead, the area of each face of such signs is used when figuring square footage.

“Electrical sign” means a sign or sign structure that uses electrical wiring, connections and fixtures as a part of the sign, but not including signs illuminated by an exterior light source.

“Electronic sign” means a sign designed to allow changes in the sign graphics electronically and includes signs using video or similar displays. “Festoon” means a strip or string or cluster of balloons that includes clusters or strings of balloons connected to a fixed object or vehicle on at least one end of the festoon.

“Flag” means a piece of cloth or other nonrigid flexible material identifying one of the following: attachable by one edge to a pole or rope.

1. Flag of a nation;
2. Commemorative flag such as a POW flag; or
3. Flag of a political subdivision.
“Flag, commercial.” See “Commercial flag.”

“Flag, Feather” is a flag supported on a vertical pole, arched or right angled at the top to keep the flag open. Feather Flags are temporary signs.

“Flashing sign” means a sign or a portion thereof that changes light intensity or switches on and off in a constant, random or irregular 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 letters” means individual letters, characters or marks comprising any portion of a sign or sign structure, whether erected flat against a wall or upon a framework for support.

“Freestanding sign” means a sign supported by poles, uprights, braces, or standards and is not connected to or supported by any other structure. Pole signs and monument signs are examples of freestanding signs.

“Freeway sign” means a pole or monument sign that is allowed by code for those properties that are located along the Interstate 5 (I-5) right-of-way as defined in this chapter17.50.085. Freeway signs” are specifically oriented to the traffic on the interstate rather than other state or local roadways.

“Garage sale sign” means a temporary sign that advertises a residentially based garage sale.

“Grade” means the elevation or level of the street (or parking lot) closest to the sign to which reference is made, as measured at the street centerline, or the relative ground level in the immediate vicinity of the sign.

“Grand opening” means welcoming clients, customers, etc., into a newly opened or relocated place of business for the purpose of promoting or familiarizing people with the business. To be eligible for grand opening signs, the business must be lawfully licensed by the city of Milton and have been open for three months or less (see also MMC 17.50.040(B)).

“Graphic” means any of the following: symbols or pictures formed by writing, drawing, or engraving, relating to the written or printed word, the symbols or devices used in writing or printing to represent a symbol, word, meaning, or message.

“Identification sign” means a sign that is limited to the name, address and number of a building, institution, or person and to the activity carried on in the building or institution, or the type of occupancy of the person.
“Illuminated sign” means a sign designed to give forth any artificial or reflected light, either directly from a source of light incorporated into or connected with such sign, or indirectly from a source intentionally directed upon it, so shielded that no direct illumination from it is visible elsewhere than on the sign and in the immediate proximity thereof.

“Incidental sign” means a small sign, four square feet or less in area, intended primarily for the convenience and direction of the public on the premises. Incidental signs do not advertise but are for informational purposes only. Incidental signs may contain information that denotes the hours of operation, telephone number, credit cards accepted, entrances and exits, and information required by law. Incidental information may appear on a sign having other copy as well, such as an advertising sign.

“Institutional sign” means a sign to identify educational, civic, and religious institutions.

“Internal illumination” means a source of lighting concealed entirely within a sign that makes sign graphics visible by transmitting light through a translucent or semi-translucent material.

“Landscaping” means trees, shrubs, and groundcover used around or under the base of monument signs. Required landscaping may be planted in concrete planters, landscape beds, or planter boxes.

“Lawn sign” means a temporary sign within the lawn or landscape area of a site. Lawn signs often identify businesses that have performed improvements to a building or site. Political signs are not considered lawn signs.

“Liquidation sign” means a temporary sign for the purposes of identifying liquidation sales.

“Logo” means an identifying emblem or insignia containing sign graphics, symbols or colors typically used for identification and/or advertisement.

“Marquee” means a permanent structure attached to, supported by and projecting from a building and providing, especially a theater or hotel, or free standing that provides protection from the weather elements. This 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 but does include canopies.

The Milton Municipal Code is current through Ordinance 1871, passed October 5, 2015.
Sign Code Draft 11212017
“Marquee sign” means a sign attached to and made part of a marquee. A marquee (or canopy) is defined as a permanent roof-like structure attached to and supported by the building and projecting beyond a building, but does not include a projecting roof.

“Monument sign” means a ground-mounted, fixed sign with a height ranging from five to 12 feet above the average ground elevation. The base (not included in the sign surface area calculation) is attached to the ground as a wide base of solid construction. In no instance shall the bottom of the sign be more than six inches above the base.

“Multiple occupancy building” means a single structure with a common building access that houses more than one retail business, office or commercial venture.

“Municipal facility sign” means a sign that is located on the premises of a facility owned or operated by the city of Milton.

“Mural” means a decorative design or scene intended to provide visual enjoyment that is a work of art painted or placed on an exterior applied to a wall of a building wall. A mural contains no commercial message, logo, corporate symbol, or registered trademark or other structure.

“Neighborhood identification “Off Premise” sign” means a sign to identify a particular residential area or development.

“Neon lighting” means illuminated tubing forming sign graphics or that is otherwise used as an exposed lighting source. For the purpose of this chapter, the term “neon” will be considered a generic term for this type of lighting regardless of the type of fluorescing gas or material contained within the tubing.

“Neon sign” means neon lighting used to draw attention to a business or building in any manner, including (but not limited to) neon sign graphics, logos or outlining of a building’s architectural features.

“Nonconforming sign” means any sign, legally constructed, that does not conform to the requirements of this chapter.

“Nonstructural trim” means the molding, battens, caps, nailing strips, latticing, cutouts, or letters and walkways that are attached to the sign structure.

“Off-premises sign” means a sign that identifies, advertises, or gives directional information to a commercial establishment not located on the premises where
the sign is installed or maintained. A billboard is an example of an off-premises sign.

“Off-site directional arrow real estate signs” means off-site, portable, temporary, directional signs intended to assist people in finding the location of difficult to locate concerning matters unconnected with the property that is offered for sale. They may not exceed six inches in height or 24 inches in length per side, must be freestanding on their own stake and the bottom edge of the sign must be placed at ground level.

“On-premises sign” means a sign that carries only advertisements and messages strictly applicable to a lawful use of the premises upon which it is located.

“On-site real estate sign” means a temporary or portable sign placed on the subject property that advertises that the property is for sale, rent, or lease. The number of such signs shall be limited to one per broker per street frontage or public entrance, whichever is greater. For a dwelling unit, the area of the sign shall be no greater than 12 square feet, where no sign face may exceed six square feet. For other uses and developments, the size of an on-site real estate sign shall not exceed 64 square feet, where no sign face may exceed 32 square feet. All on-site real estate signs must be removed when the sale closes or in the case of a rental or lease, when the tenant takes possession.

“Open house sign” means a portable or temporary sign advertising property that is for sale, rent, or lease. The number of such signs shall be limited to three per property per agent, except that if the agent has more than one property in a development listed for sale, rent, or lease, the agent’s total number of such signs for the development shall be limited to four. The area of such signs shall be no greater than 12 square feet. They may be placed in the right-of-way outside of median strips, public sidewalks, and vehicular and bicycle lanes. They may not block driveways or be affixed to utility poles, trees, or traffic signs. Open house signs must be removed each day at the conclusion of the open house and are permitted only between sunrise and sunset when the seller or the agent are in attendance at the property.

“Painted signs” means a sign or sign structure, nonelectrical in nature, except such signs may have illumination from an exterior light source.

“Parapet” means that portion of a building wall that extends above the roof of the building.
“Patio-sale-sign” means a temporary sign that advertises a residentially based patio sale.

“Pennant” means a sign made of cloth, fabric, nonrigid flexible plastic, or similar types of material that is not more than 24 square feet in size. Pennants may not contain text, numbers, or business/corporate images and symbols. No more than 12 pennants may be erected on a site. Banners and flags are not considered pennants. Pennants need not be triangular in shape.

“Perimeter” means the outer boundary required to enclose a sign area.

“Permanent sign” means a sign that is erected without restriction on the time period allowed for display.

“Permittee” includes any person who should have taken out a permit under this Chapter or MMC 15.05.

“Planned center” means a group of structures housing at least one retail business, office, commercial venture or independent or separate part of a business that was processed through the site approval process as one project or that shares the access and/or parking facilities. Individual parcels need not be under the same ownership in order to qualify as a planned center.

“Pole sign” means any sign, electric or otherwise, hung, supported or cantilevered from one or more supports constructed of structural steel, pipe, or other materials or combinations of same.

“Political sign” means any temporary sign that advertises a candidate for public elective office or any political party or a sign that promotes a position on a public or ballot issue.

“Porch-sale-sign” means a temporary sign that advertises a residentially based porch sale.

“Portable sign” means any sign that is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support constructed without wheels is converted to an A or T frame sign, or attached temporarily or permanently to the ground, since this characteristic is based on the design of such a sign. It is characteristic of such a portable sign that the space provided for advertising matter consist of a changeable copy sign Portable signs are usually changeable copy signs.
“Projecting sign/reader board” means a sign, other than a wall sign, that is attached to and projects more than one foot from a structure or other building face.

“Projection” means the distance by which a sign extends beyond its means of support.

“Public information sign” means a sign erected and maintained by any governmental entity for traffic direction or for designation of or directions to any school, hospital, historical site, or public service, property, or facility.

“Reader board” means a sign consisting of tracks to hold letters that allows for frequent changes of copy; usually such copy is not electronic. A reader board may be a component of a monument, pole, or wall sign.

“Reader board, mobile” means a reader board sign that is not permanently installed on-site.

“Real estate sign” means a sign erected by the owner or owner’s agent displayed for a limited time and offering the sale, rent or lease of ground upon which it is located or of a building located on the same parcel of ground.

“Repair” means to paint, clean, or replace damaged parts of a sign, or to improve its structural strength/integrity of a sign, but not in a manner that would change the size, shape, location, or character.

“Revolving sign” means any sign or sign structure that revolves or partially revolves by means of some mechanical method about an axis.

“Roof” means the exterior surface and its supporting structures on the top of a building. Overhangs extending beyond the facade of the lower wall are considered part of the roof.

“Roof sign” means any sign erected upon, against, or directly above a roof or parapet of a building or structure. Eighty percent of the sign area shall be backed by the roof system.

“Seasonal decorations” means temporary decorations for holidays that do not fall under the definition of a sign and that are installed no sooner than 30 days before a holiday and removed no later than five days after the holiday. Decorations that fall under the definition of a sign must conform to all provisions of the sign code.

“Sandwich board signs” means small signs, either single- or double-faced and portable.

“Sign” means any object, device, display, structure or part thereof that is used to advertise, identify, direct, or attract attention to a product, business, activity, place, person, institution, or event.
using words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Directional and incidental signs are considered signs for the purpose of this chapter.

“Sign area” means the entire area of a sign on which advertising copy, logos, trademarks, and business or corporate colors are to be information is placed. Sign display surface, structures and associated architectural embellishments, framework and decorative features that contain no written or advertising copy, that information and are not illuminated and that contain no logos or trademarks shall not be included. Sign area is not calculated in determining sign area shall be. Sign area is calculated by measuring the area of the smallest rectangle, circle, triangle or parallelogram that can be drawn around all parts of the sign from the viewpoint exposing to expose the largest sign display surface area, including the sign face background, and including all spaces and voids between or within letters or symbols that comprise a single word, statement, description, title, business name, graphic symbol, or message for all sign faces on the display surface. Sign supporting structures that are part of the sign display shall be included in the area are excluded. The display surface includes the sign area of calculation. The entire perimeter area of upon which the letters, graphics, symbols, and framework shall be used to determine sign area can be placed but it excludes structures and associated architectural embellishments, framework and decorative features that contain no information.

“Sign graphics” includes all lines, strokes, text, symbols and logos applied to a sign surface and does not include excluding the background surface to which they are applied.

“Sign height” means the vertical distance measured from the adjacent natural grade at the base of the sign to the highest point of the sign structure; provided, however, that the grade of the ground may not be built up in order to allow the sign to be higher.

“Sign structure” means any structure that supports or is capable of supporting can support any sign as defined in this chapter. A sign structure may be a single pole and may or may not be an integral part of a building. Any structure that performs an entirely separate use, such as a telephone booth, bus shelter, Goodwill container, fence, etc., shall be considered a sign structure.

“Silhouette lighting,” sometimes called “halo lighting,” means lighting being emitted from the back side of pan-channel sign graphic that has the open side of the channel facing the wall or sign face it is mounted to, thereby silhouetting the sign graphics.

“Subdivision identification sign,” means a sign no larger than 36 square feet to identify a particular subdivision that is larger than four acres or more in size.
“Swinging sign” “Snipe sign” means an off-premise sign placed on street furniture or the supports thereof. Snipe signs do not include government signs, traffic control devices and specifically authorized signs.

“Street Furniture” is a collective term for objects and pieces of equipment installed along streets and roads for various purposes and is considered government property. It includes benches, traffic barriers, bollards, post boxes, phone boxes, streetlamps, traffic lights, traffic signs, bus stops, taxi stands, public lavatories, fountains, fences, memorials, public sculptures, and waste receptacles.

“Supports” means any structure that’s main purpose is to hold a sign, light, power line, low voltage line, or any other government controlled device, e.g. utility poles.

“Temporary sign” means any sign that is not permanently mounted and that contains a message for an event or happening that will render the sign obsolete upon the event or happening.

“Traffic control device” means a sign installed on an arm or spar that is fastened to an adjacent wall or upright pole, which sign is allowed to move or swing to a perceptible degree.

“Temporary sign” means any banner, pennant, or other advertising display, to control traffic placed in accord with or without frames, constructed of cloth, light fabric, paper, plastic, cardboard, or other similar material. Temporary signs are not intended for ongoing advertising of products or services or for the naming of a business in lieu of a permitted permanent sign.

“Temporary sign, sports field” means any maintained, nonfreestanding sign attached to fencing at a sports field that can only be displayed during the sport’s season of play and must be removed at the end of the sport’s season of play.

“Traffic advisement sign” means a sign erected within the public right-of-way alerting motorists of impending road conditions. Signs depicting rail road crossings, curves ahead, crosswalks, and deer crossings are examples of traffic advisement signs. Allowable traffic advisement signs are identified in the AASHTO manual.

“the Manual for Uniform Traffic control signs” means a sign erected within the public right-of-way identifying restrictions on travel. Examples of traffic control signs include stop signs, one-way signs, and speed limit signs.

“Unlawful sign” means any sign that was erected in violation of any applicable ordinance or code law governing such erection or its construction at the time of its erection, which
The Milton Municipal Code is current through Ordinance 1871, passed October 5, 2015.

Sign Code Draft 11212017

A sign has never been in conformanceplacement and that does not comply with all applicable ordinances or codeslaws now.

“Vision clearance area” means an area for the preservation of unobstructed sight distance. Vision clearance areas shall conform to the following requirements:

1. All corner lots shall maintain for safety vision purposes a triangular area, two sides of which shall extend 20 feet along the lot lines from the corner of the lot formed by the intersection of the two streets. Within the triangle no tree shall be allowed, and no fence, shrub, or other physical obstruction higher than 42 inches above the established grade shall be permitted.

2. On lots upon which a vehicular driveway is maintained, an area of vision clearance shall be maintained on each side of the driveway. The area shall be as defined by a triangle, extending 20 feet along the lot line abutting the street and 20 feet along the driveway.

3. If the driveways of adjacent properties vision clearance is affected then the fence, shrub, tree or sign must meet the requirements of subsections 1 and 2 of this definition.

4. The requirements listed in subsections 1, 2 and 3 of this definition shall be subject to MMC 12.20.030 MMC 17.44.060 or as otherwise required by law.

“Wall plane” includes that portion of a facade that is contained on one general plane. A single wall plane may contain windows and doors but it is generally a solid surface. The fascia of projecting porches or colonnades may be considered part of the wall plane from which the porch or colonnade projects for calculating signage area.

“Wall sign” means 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. Wall signs shall be supported throughout their 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 will be treated as a “sign attached to a building.”

“Window sign” means a sign painted on, affixed to, or installed inside a window for purposes of viewing from outside the premises.

“Yard sale sign” means a temporary sign that advertises a residentially based yard sale. (Ord. 1666 § 2, 2006; Ord. 1563 § 1, 2003; Ord. 1474 § 1, 2001; Ord. 1437 § 1, 2000).
17.50.030 Administration and enforcement.
A. All new temporary or permanent signs require sign must obtain a sign permits unless specifically exempted by MMC 17.50.070. Sign permits require full conformance with all city codes. The land use administrator shall issue all permits for the construction, alteration, and erection of signs in accordance with the provisions of this section and related chapters and titles of the municipal code.

B. It shall be the duty of the land use administrator, or code enforcement officer, of the city of Milton to interpret and enforce this section. In addition to meeting the provisions of this section of the zoning code, the permits, materials, structural design, construction, inspection, and maintenance requirements for signs must conform to Chapter 15.04 MMC, comply with the Construction Codes administered by the public works department. In addition, all signs, where appropriate, shall conform to and the current National Electrical Code and the National Electrical Safety Code. (Ord. 1666 § 2, 2006; Ord. 1536 § 1, 2002; Ord. 1437 § 1, 2000).

17.50.040 Permits required.
A. It is unlawful for any person to erect, construct, enlarge, display, change copy, alter or move a sign, or cause the same to be done, without first obtaining a permit for each sign from the land use administrator as required by this chapter.

B. A permit is required for signs installed simultaneously on a single supporting structure. Thereafter, each additional sign(s) erected on the structure must have a separate permit.

C. This section shall not be construed to require an additional permit for an exempt sign or any sign not specifically regulated by this Chapter.

D. No additional permit is needed to repaint, clean, or repair, otherwise perform normal maintenance on a permitted sign or sign structure, nor shall it be construed to require an additional permit for the change of copy on a changeable copy sign. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.050 Permit application requirements.
To obtain a sign permit, the applicant shall make application in writing on forms furnished by the public works department. Every application for a permanent sign shall include the following:

A. Telephone number and address of the owner or agent are required on temporary signs. This information need not be on the front of the sign;
A. Contact information, if desired, by the permittee.

B. Identification and description of the sign including the type, size, dimensions, height, and number of faces;

C. Description of the land where the proposed sign is to be located by street address;

D. An affidavit that the written consent of the owner or person in legal possession of the property or agent of the owner or person in legal possession of the property to which or upon which the sign is to be erected has been obtained or his agent;

E. Sign drawings showing display faces with the proposed message and design accurately represented as to size, area, and dimensions;

F. Site plan drawn to scale containing a north arrow, location of property lines, lot dimensions, location of existing signs, and the location of the proposed sign on the site;

G. Plans, elevations, diagrams, light intensities, structural calculations and other material as may be reasonably required by the land use administrator;

H. If the sign application is for a freestanding sign that proposes a footing, a building permit is required;

I. Documentation demonstrating that the sign installer has a valid Washington State contractor’s license when a sign requires a building permit unless the sign is being installed by the owner of the sign;

J. Application for an electrical permit from the city of Milton or other electric provider for any electrical sign;

K. A permit fee as adopted in the latest fee ordinance of the city council;

L. Proof that a city of Milton business license has been obtained by the sign installation contractor and the company that is utilizing the permitted sign if the company utilizing the permitted sign is required to obtain a business license. (Ord. 1837 § 7, 2014; Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.060 Prohibited signs.

The following signs shall not be permitted in any zoning district:

A. Signs that pose a hazard to public health or safety, as determined by the building official other than because of the message delivered;

B. Signs that make use of words such as “Stop,” “Look,” “One-Way,” “Danger,” “Yield,” “Slow, Children At Play,” “Detour,” “Road Construction” or any similar word, phrase, symbol, or light-so-as-to-lights that interfere with or be confused with pedestrian or vehicular public safety.
signs as identified in the AASHTO manual Manual on Uniform Traffic Control Devices (MUTCD) but which are not placed by the public authority and are not in compliance with the MUTCD or applicable laws and regulations;

C. Signs displaying obscene, indecent, or immoral matter. Matter is obscene as per-Chapter 5.44 MMC; described in RCW 7.48A.010 Moral Nuisances.

D. Signs that obstruct ingress or egress from fire escapes, doors, windows, or other exits or entrances;

E. Signs attached to or placed on any stationary vehicles or trailers that are parked or trailer, whether operating or not, so as to be visible from a public right-of-way located for the primary purpose of providing advertisement of services or products or for displaying the purpose of directing people to a business. This provision shall sign unless otherwise specifically allowed by this Chapter (this does not apply to the identification of a firm allowed portable signs or its principal products to signs or lettering on operable buses, taxis, or vehicles operating during the normal course of business. Public transit buses and licensed taxis are exempt from this restriction; and excludes signs to advertise the sale of said vehicle);

F. Off-premises signs except for off-premises real estate signs as permitted under MMC 17.50.140;

G. Rotating and revolving signs;

H. Signs containing strobe lights that are visible beyond the property line;

I. Abandoned signs;

J. Permanent signs on undeveloped sites, except for subdivision signs;

K. Outdoor, portable electric signs;

L. Mobile reader board signs except as permitted under MMC 17.50.140 as temporary signs;

M. Signs on utility poles, Snipe signs;

N. Signs on sign posts of advisory signs such as “curve ahead,” “crosswalk,” or “road narrows”;

O. Blinking or flashing lights, balloons, searchlights, clusters of flags, strings of twirlers or propellers, flares, and other carnival like displays of a carnival nature, grand opening.
displays, or on a limited basis as seasonal decorations except as provided for approved as temporary signs under MMC 17.50.140;

**P.** Banners except as approved as temporary signs under MMC 17.50.140;

**Q.** Balloons except as approved as temporary P. Unauthorized signs under MMC 17.50.140;

**R.** Signs located on or eligible for listing on federal or state historic registers are excluded from this provision government property;

**S.** No public address system or sound devices shall be used in conjunction with any sign or advertising device;

**T.** No sign shall may be used as a fence nor shall may any fence be used as a sign nor shall may any sign be attached to a fence, but a temporary sign may be attached to a fence;

**U.** Billboard signs R. Billboards; and

**VS.** Any other type or kind of sign that does not comply with the terms, conditions, provisions, and intent contained in this chapter and Chapter or other applicable ordinances law or ordinance. (Ord. 1712 § 1, 2007; Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

**17.50.070 Exempt signs.**

The following signs do not require a permit for installation. All other provisions of this chapter apply.

**A.** Temporary political signs under six square feet per face;

**B.** Legal notices, identification, traffic, or other signs erected or required by governmental authority under any law, statute or ordinance;

**C.** Seasonal holiday decorations not including any form of advertising or the name of a business;

**D.** Handicap parking signs;

**E.** Signs on product dispensers permitted outside of a business. These signs may include signs on vending machines and gas pumps;

**F.** Menu boards for drive-through businesses; provided, that the copy on the sign is not intended to be readable from a public right-of-way;

**G.** Professional nameplates not exceeding two square feet in area;
H. Plaques, tablets or inscriptions indicating the name of a building, date of
erection, or other commemorative information, that are an integral part of the
building structure or are attached flat to the face of the building, that are
nonilluminated, and that do not exceed four square feet in surface area;

I. Signs of the state, city or public service companies indicating danger, aids to-
service or safety, traffic control or traffic direction signs or signs identifying
programs such as the adopt-a-road litter control program, etc.;

J. Signs erected or sanctioned by a government agency;

C. Historic site markers, plaques, or gravestones and signs on or eligible for listing on federal or
state historic registers are excluded from this provision;

KD. Address numbers or signs depicting a family name, such as Keck’s residence,
identification;

L. Signs on structures or improvements intended for a separate use, such as
phone booths, charitable donation containers, and recycling boxes;

M. Building addresses with numbers and letters not more than 10 inches in
height;

NE. Signs not oriented or intended to be legible from a right-of-way, or other property, or
from the air. Examples may include signs identifying rules for a swimming pool, signs
identifying restroom facilities, parking regulations and tow-away signs;

Q. Parking lot painting of handicap symbols, striping, numbers, and notations of
compact spaces;

PF. Painted wall decorations or murals;

Q. Painted wall highlights;

R. Signs affected by stipulated judgments to which the city is a party, entered by
courts of competent jurisdiction;

SG. National, State and City Flags; and commercial flags not to exceed 12 in number;

TH. Locally designated historic signs. The Milton Light and Water sign located on the western
building elevation of the Public Works Building at 1000 Laurel Street has been identified as a
sign of locally important historical significance. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).
17.50.080 General provisions.

A. The area of all signs shall not exceed 200 square feet except for uses with building fronts more than 100 feet long. For uses in which the building linear front footage exceeds 100 feet, the maximum area of all signs shall not exceed an area equal to two times the linear front footage of the building or 450 square feet, whichever is less. Multiple occupancy buildings may display an additional 50 square feet of wall signage for no more than two building tenants, other than the primary tenant, subject to the provisions of MMC 17.50.110. In no instance shall the primary tenant be permitted to use any of the additional signage to increase the maximum allowed signage for the primary tenant. Total Sign Area:

B. Number and Spacing of Monument Signs. One monument sign is permitted per primary street frontage; one additional monument sign is permitted for each additional 300 feet of primary street frontage. Multiple monument signs shall be a minimum of 250 feet apart along one or more street frontages.

C. 1. For uses in which the building frontage is less than or equal to 100 feet long, the maximum area for all signs shall not exceed 200 square feet.

2. For uses in which the building frontage is more than 100 feet, the maximum area for all signs shall not exceed two square feet per lineal foot of building frontage, or 450 square feet, whichever is less.

3. For multiple occupancy buildings, an additional 50 square feet of wall signage may be displayed for no more than two building occupants (other than in addition to the primary tenant), subject to the provisions of MMC 17.50.110.

B. Signs must comply with all applicable regulations. If a sign is regulated by more than one regulation, e.g. a temporary sign in the right-of-way, then the sign must comply with all the regulations applicable to the sign unless otherwise provided. Indirect Lighting. Monument signs, where permitted in residential zones (RS, RMD, RM), shall only be illuminated from an indirect source. Civic uses that are a permitted or a conditional use in the residential zones may have an “electronic sign,” subject to the approval of a conditional use permit for the sign. For civic uses that are conditional uses in the residential zones, the approval for the use and the sign may be combined into a single conditional use permit. (Ord. 1666 § 2, 2006; Ord. 1474 § 2, 2001; Ord. 1437 § 1, 2000).

17.50.083 Signs in the right-of-way.

A. With the exception of traffic control and advisement signs, A-devices, Sandwich board/sandwich board signs, open house signs, real estate directional arrow signs, temporary political signs, temporary construction signs associated with work
within the public right-of-way, and properly authorized banners (see MMC 17.50.140(A)(4)), no signs shall be erected or placed within the public right-of-way. Traffic control and advisement signs, A-board/sandwich board signs, open house signs, and real estate directional arrow temporary signs may be placed in the right-of-way outside of median strips, public sidewalks, and vehicular and bicycle lanes, and must provide at least four feet of unobstructed sidewalk. They may not block driveways or be affixed to utility poles, trees, or traffic control devices, and shall not block vision clearance areas.

B. Vision Clearance Area. Pole signs are permitted in the vision clearance area where the bottom of the sign is at least 10 feet above the elevation of the street grade.

C. Vehicle Area Clearances. When a sign extends over a private area where vehicles travel or are parked, the bottom of the sign structure must be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and maneuvering areas. Exceptions are prohibited.

D. Pedestrian Area Clearances. When a sign extends over a walkway or other space accessible to pedestrians, the bottom of the sign structure must be at least eight feet above the ground. Exceptions are prohibited. (Ord. 1666 § 2, 2006; Ord. 1474 § 2, 2001; Ord. 1437 § 1, 2000).

17.50.085 Freeway signs.

Freeway signs are located along and specifically oriented toward traffic on I-5.

A. Maximum Number and Spacing.

1. RS, RMD, RM, MX, CF, OS: Zero.

2. B, M-1: One per parcel or one per planned center when the parcel or planned center directly abuts the I-5 right-of-way. The parcel or planned center shall be a minimum of 12,000 square feet in area, or have been legally created prior to January 1, 2003, in order to erect a freeway sign. The freeway sign is in addition to other allowed signage, it shall be located along the side of the property nearest I-5, and it shall be oriented toward I-5.

B. Size Allocation.

1. RS, RMD, RM, MX, CF, OS: Does not apply.

2. B, M-1: Up to a maximum sign area of 250 square feet. No sign face shall display surface may exceed 125 square feet.

C. Maximum Height.

1. RS, RMD, RM, MX, CF, OS: Does not apply.

2. B, M-1: 40 feet.
D. Landscape and Siting Requirements. Freeway signs \textit{shall} be located in a planting bed of equal area to the area of the sign. The planting bed may be included within the planting strips required under \textit{Chapter MMC 17.15C MMC., Landscape regulations table}. The minimum dimension of the planting bed \textit{shall} be 10 feet measured from inside face of the curb to inside face of curb. The planting beds \textit{shall} be improved with the following:

1. One gallon groundcover planted 12 inches on center; and
2. One shrub per 10 square feet of sign area. Shrubs located within the vision clearance area \textit{shall} not be taller than 36 inches. (Ord. 1666 § 2, 2006; Ord. 1563 § 2, 2003).

17.50.090 Pole signs.
Pole signs are an alternative to monument signs for planned centers \textit{on parcels of five acres or greater with a minimum of 300 feet of street frontage}.

A. Maximum Number and Spacing.

1. RS, RMD, RM, MX: Zero.
2. B, CF, M-1, OS: Zero.

B. Size Allocation.

1. RS, RMD, RM, MX: Does not apply.
2. B, CF, M-1, OS: \textit{One square foot of Maximum sign area for each lineal foot of primary street frontage up to a maximum sign area of 100 square feet. No display surface may exceed 200 square feet. No sign face shall exceed 100 square feet.}
D. Landscape and Siting Requirements. Pole signs must be located in a planting bed of equal area to the area of the sign. The planting bed may be included within the planting strips required under Chapter MMC, Landscape regulations table. The minimum dimension of the planting bed shall be five feet measured from inside face of curb to inside face of curb. The planting beds shall be improved with the following:

1. One gallon groundcover planted 12 inches on center; and
2. One shrub per 10 square feet of sign area. Shrubs located within the vision clearance area may not be taller than 36 inches. (Ord. 1666 § 2, 2006; Ord. 1474 § 3, 2001; Ord. 1437 § 1, 2000).

17.50.100 Monument signs. Monument signs with a height ranging from five to 12 feet above the average ground elevation, and a base (not included in the sign surface area calculation) that is attached to the ground as a wide base of solid construction so that the bottom of the sign is no more than six inches above the base are the preferred sign type along street frontages.

A. Maximum Number.

1. RS, RMD, MX: Zero for residential uses; one per street frontage for permitted or conditionally permitted nonresidential uses. One subdivision identification sign is permitted per subdivision greater than four gross acres in size.
2. RM: One per street frontage. The parcel must have a minimum 30 feet of street frontage.
3. B, CF, M-1, OS: One per street frontage. The parcel must have a minimum of 30 feet of primary street frontage, one sign per vehicle entrance at least 250 feet apart.

B. Size Allocation.

1. RS, RMD, MX: Does not apply to residential uses. Maximum 64 square feet for permitted or conditionally permitted nonresidential uses; except for a subdivision identification sign which may be a maximum of 36 square feet.
2. RM: 64 square feet.
3. B, CF, M-1, OS: Minimum of 32 square feet plus one square foot per lineal foot of primary street frontage up to a maximum sign area of 9648 square feet. No sign face shall exceed 4896 square feet.

C. Maximum Height.

1. RS, RMD, MX: Eight feet.
2. RM: 12 feet.

3. B, CF, M-1, OS: 12 feet.

D. Landscape and Siting Requirements. Monument signs **shall** be located in a planting bed of equal area to the area of the sign. The planting bed may be included within the planting strips required under Chapter MMC 17.15C MMC, Landscape regulations table. The minimum dimension of the planting bed **shall** be five feet measured from inside face of curb to inside face of curb. The planting beds **shall** be improved with the following:

1. One gallon groundcover planted 12 inches on center; and

2. One shrub per 10 square feet of sign area. Shrubs located within the vision clearance area **shall** not **be** taller than 36 inches.

E. Indirect Lighting. Monument signs, where permitted in residential zones (RS, RMD, RM), may only be illuminated from an indirect source.

F. When Not Allowed. A monument sign is not permitted if existing signs attached to buildings exceed the limit of 15 percent of the wall area. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.105 Mixed use town center monument sign.

A. In addition to any other signs allowed by this chapter and notwithstanding any restriction placed by this chapter on off-premises signs, there is allowed one community monument sign in the mixed use town center. This community monument sign may be placed anywhere within the area depicted in Exhibit A, attached to Ordinance 1577 and incorporated by this reference as if set forth in full.

B. The community monument sign allowed by this section shall be a maximum of eight feet high, one foot thick and 64 square feet of area.

C. Only one community monument sign shall be allowed for the businesses located in the MX district.

D. The Milton/Edgewood Chamber of Commerce or the first MX district business to submit a complete application for a sign permit for a community monument sign shall be authorized to construct and maintain the sign upon acquiring approval of the permit. Any sign permit issued for a community monument sign shall expire if the sign is not constructed within six months of permit issuance, subject to a six-month extension for good cause as determined by the planning and community development director. If a sign permit expires or is denied, the
right to build the sign shall go to the next person to file a complete permit application.

E. In addition to the requirements specified in MMC 17.50.050, an application for a community monument sign shall contain the following information:

1. An affidavit or declaration of mailing evidencing that all businesses within the MX district have been notified of the opportunity to have their business advertised on the community monument sign. Said notice shall have given businesses at least 15 days to elect to participate by written mailed or delivered response to a specified address. Said notice shall be mailed to the addresses of each business as identified in records at the Pierce County assessor’s office.

2. A list of all those businesses that have elected to participate.

3. An acknowledgement approved in form by the city that the applicant agrees to assume full responsibility for maintenance of the sign and compliance with applicable city regulations. The acknowledgement shall provide that the applicant may transfer its responsibilities to any other MX district business owner willing to sign the acknowledgement if a copy of the new acknowledgement is provided to the city.

4. An easement approved as to form by the city that authorizes the city to remove the sign at the expense of the person or entity subject to the acknowledgement identified in subsection (E)(3) of this section if the acknowledgor relinquishes its responsibilities to maintain the sign or comply with city regulations. The acknowledgor shall be deemed to have relinquished its responsibilities if it fails to undertake an act required by this section within 30 days of receiving written notice from the city.

F. In addition to any other requirement that may apply to a sign permit, the following conditions apply for the issuance of a sign permit for a community monument sign:

1. All businesses identified in subsection (E)(2) of this section shall have equal advertising space on the community monument sign. The acknowledgor can condition the participation of each business on entering into a private agreement with the acknowledgor to reimburse the acknowledgor for its proportionate share of costs in constructing the sign and fulfilling its...
responsibilities imposed by this code section. All advertising on the community monument sign shall be limited to advertising MX district businesses. Beyond those limitations identified in this subsection, the acknowledgor may not place any further limitations on participation in the community monument sign.

2. The community monument sign as proposed will comply with the requirements of this section and all other applicable city requirements.

G. The person or entity subject to the acknowledgement in subsection (E)(3) of this section shall have the following responsibilities upon permit issuance:

1. Ensure that the sign complies with all city regulations during the life of the sign, including maintenance responsibilities imposed by MMC 17.50.160 as now or hereafter amended.

2. Remove businesses advertised on the community monument sign that are no longer located within the MX district and replace them with businesses that wish to participate and have located in the MX district after notice to MX business was issued under subsection (E)(1) of this section. Businesses shall be given priority in order of seniority in the MX district. If no new business wishes to replace a business that is removed from the sign, the acknowledgor may inquire if businesses that previously declined to participate in the sign wish to be added, in order of seniority in the MX district. Any newly participating business shall be subject to the applicable limitations of subsection (F)(1) of this section. (Ord. 1666 § 2, 2006; Ord. 1663 § 19, 2006; Ord. 1577 § 1, 2003).

17.50.110 Signs attached to buildings.

Awning, fascia, graphic, marquee, roof, and wall signs are permitted signs for attachment to buildings. Signs attached to buildings are permitted on wall elevations that are viewable from public rights-of-way or on wall elevations containing public entrances to the building.

A. Maximum Number. No limit within the size allocation. A limit of one roof sign per wall elevation viewable to the public (see roof sign definition). Multiple occupancy buildings may display one additional wall sign for each tenant, other than the primary tenant, up to a maximum of two additional secondary tenant signs, subject to the maximum area per sign described in subsection C of this section.

B. Size Allocation.

1. RS, RMD: Four square feet for residential uses, or 10 percent of the wall area for permitted or conditionally permitted nonresidential uses, whichever is greater.
2. RM: Eight square feet.

3. MX: 48 square feet or 15 percent of the wall area, whichever is greater.

4. B, CF, M-1, OS: 48 square feet or 15 percent of the wall area, whichever is greater.

C. Maximum Area per Sign.

1. RS, RMD: Four square feet, 32 square feet per sign for signs for permitted or conditionally permitted nonresidential uses (roof signs are prohibited).

2. RM: Eight square feet (roof signs are prohibited).

3. MX: 100 square feet (each roof sign may be a maximum of 24 square feet, where no display surface may exceed 48 square feet, where no sign face may exceed 24 square feet). For multiple occupancy buildings, the individual building tenant signs allowed by subsection A of this section shall may not exceed 25 square feet per sign face of display surface.

4. B, M-1: 200 square feet (each roof sign may be a maximum of 24 square feet, where no display surface may exceed 48 square feet, where no sign face may exceed 24 square feet). For multiple occupancy buildings, the individual building tenant signs allowed by subsection A of this section shall may not exceed 25 square feet per sign face of display surface.

5. CF, OS: 100 square feet (each roof sign may be a maximum of 24 square feet, where no display surface may exceed 48 square feet, where no sign face may exceed 24 square feet).

D. Wall signs shall may not exceed 12 inches in thickness.

E. Illumination. The illumination of signs shall not interfere with traffic, traffic control devices or the signs of others. Signs on awnings or canopies may not be illuminated internally if the light illuminates other than the sign.

(Ord. 1666 § 2, 2006; Ord. 1474 § 4, 2001; Ord. 1437 § 1, 2000).

17.50.120 A-board/sandwich board signs.
A. Maximum Number.

1. RS, RMD, RM: Zero.

2. B, CF, M-1, MX, OS: One per one hundred feet of frontage.

B. Size Allocation.
1. RS, RMD, RM: Does not apply.

2. B, CF, M-1, MX, OS: 12 square feet.

C. Maximum Height.

1. RS, RMD, RM: Does not apply.

2. B, CF, M-1, MX, OS: Four feet.

D. No Obstruction. Sandwich board signs must be placed so they do not obstruct the passage of vehicles or pedestrian on or entering the public way. **Duration.** A board/sandwich board signs are permitted to remain in place only during the hours of a business’ operation. A board/sandwich board signs shall be removed at the close of business each day. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

E. **Duration.** 17.50.130 Directional signs.

A. Type. Directional signs refer to a permanently erected single- or double-faced sign designed to guide or direct pedestrian or vehicular traffic to an area, remain in place, or convenience.

B. Content. Directional signs shall only contain useful information on exits, entrances, parking, telephones, restrooms, or similar types of information and the name and/or logo of the business where the directional sign is located.

C. Number. One per directional access from a primary street frontage plus one additional directional sign per business.

D. Size and Height. The maximum size of directional signs shall be six square feet. The maximum height for directional signs shall be 42 inches. MMC 17.50.140 applies to sandwich boards that are also temporary signs. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.135 Political signs.

A. Political signs that require a building or electrical permit are prohibited.

B. Political signs on private property shall be subject to all applicable permit requirements.

C. Political signs are allowed in all zones.

D. Political signs on private property shall be limited to one sign per street frontage, and shall be no greater than 16 feet in area. (Ord. 1666 § 2, 2006).
17.50.140 Temporary signs.

A. ___Temporary signs shall conform to MMC 17.50.080.

   1. Unless otherwise identified below, the duration of display of a temporary sign shall not exceed 90 days during any 12-month period, unless otherwise noted in subsection B of this section;

   2. No flashing temporary signs of any type shall be permitted; however, internally illuminated signs, e.g., portable readerboards, are permitted; provided, that if they conform to the current National Electrical Code and the National Electrical Safety Code;

   32. All temporary signs shall be securely fastened and positioned in place so as not to constitute a hazard to pedestrians or motorists;

   43. No temporary sign shall project over or into the travelled portion of a public right-of-street, sidewalk or way or property except properly authorized banners installed by the city of Milton.

   4. Temporary signs may not be within 300 feet along the same street frontage of any other temporary sign providing the same information or having the same owner.

B. The duration of display for the following temporary signs shall be as follows:

   1. Grand opening displays including: posters, pennants, banners or streamers, balloons, banners, searchlights, clusters of flags, strings of twirlers or propellers, flares, air dancers and other displays of a carnival nature (12-day maximum time period);

   2. Lawn signs (30-day maximum time period);

   3. Liquidation signs (one week maximum time period);

   4. Garage, porch, and patio sale signs (72-hour maximum time period);

   5. Yard sale signs (72-hour maximum time period);

   6. Real estate signs (30-day maximum time period beyond the date when the property is sold or no longer offered for sale);

   7. Off-premises real estate signs (daily, signs like displays may only be posted displayed before and during the hours of 8:00 a.m. and 6:00 p.m.);

   8. Open house signs (72-hour maximum time period);
9. Subdivision signs (30-day maximum time period beyond the date when the final certificate of occupancy has been issued);

10. Construction signs denoting the architect, engineer or contractor, when placed upon the premises while construction work is in progress. Said signs not to exceed 16 square feet in area (30-day maximum time period beyond the date when the certificate of occupancy is issued for the last structure);

11. Nonprofit institutional signs for the purpose of soliciting funds for a capital project on the site. Such signs may not be permitted at the same time as a construction sign (maximum three years from date of permit application); the display does not exceed thirty days within any 90-day period;

12. Rooftop balloon signs with a vertical dimension not greater than 25 feet (maximum of one week per calendar year per business);

13. Banners (maximum of six 21-day periods per calendar year);

14. Mobile reader boards, fence signs and off premise signs may be used a reasonable time before and during an event;

15. Yard signs shall not exceeding 24 inches by 36 inches are permitted in all residential zones for not more than 90 days in a calendar year; and

5. Signs permitted by this section must be removed within seven days promptly after the election, except that a candidate who wins a primary election may continue to display political signs until seven days after the general election. (Ord. 1666 § 2, 2006; Ord. 1649 § 2.)

C. The duration of displays in Business and Industrial zones west of Interstate 5.

1. The temporary signs described in this section may be extended by permit under 17.50.180 in B and M zones west of Interstate 5 for indefinite periods so long as the sign in not a permanent sign.

2. In applying for a Deviation under this subsection, only the criteria in 17.50.180 C. 3, 5 and 6 need be met.

3. Signs under this subsection have no nonconforming rights.
17.50.145 Uptown Standards.

A. This section applies only to the Uptown District. The specific regulations in this section apply only to Uptown District but do not supplement or otherwise effect any other regulation in this Chapter.

B. Portable, Temporary and Sandwich Board signs are not allowed on the sidewalks, and no more than one such sign per 100 feet of frontage is allowed. A permit is required for portable signs. There is no fee for the permit for Temporary Signs.

C. Air dancers and feather flags are not permitted.

D. Perpendicular Wall Signs. Perpendicular signs are permitted for pedestrian traffic, but may not exceed four square feet.

E. Monument or Freestanding Signs are required for all separate structures.

17.50.150 Nonconforming signs.

A. A sign is legally nonconforming if it is out of conformance with this code; and:

1. The sign was lawfully erected in compliance with the applicable sign ordinance of the city or county which was effective at the time of sign installation, and a valid permit for such sign exists; or.

2. The sign was erected prior to January 1, 1996.

B. A legal nonconforming sign shall be brought into compliance with this chapter or shall be removed if:

1. The sign is abandoned;

2. The sign is damaged in excess of more than 50 percent of its replacement value, unless such destruction is the result of vandalism or intentional destruction or removal by someone not authorized by the sign owner;

3. The owner seeks to change the sign structure supporting, holding, or surrounding the sign, other than minor maintenance or repair;

4. The tenant space(s) to which the sign applies is undergoing an expansion or renovation which increases the size of the tenant space floor area or site coverage by 20 percent or more, or the value of the expansion or renovation exceeds 50 percent of the assessed value of the structure;

5. The building to which the sign applies is demolished; or

6. The sign is more than 20 years old. (Ord. 1716 § 1, 2008; Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).
17.50.160 Maintenance of signs.
All signs and landscape, including signs heretofore installed, shall be constantly maintained in a state of security, safety, and repair. If any sign is found not to be so-maintained or is insecurely fastened or otherwise dangerous (see dangerous signs), it shall be the duty of the owner and/or occupant of the premises on which the sign is fastened to repair or remove the sign within five working days after receiving notice from the building official. For damaged or disrepaired signs, it shall be the duty of the owner and/or occupant to repair or remove the sign within 30 days. The premises surrounding a sign must be free and clear of rubbish and the landscaping area free of weeds. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.170 Removal of signs.
A. All signs and sign structures nonconforming in that do not conform to structural requirements as specified in the International Building Code which as a consequence Construction Codes, MMC 15.05, that are a hazard to life and property, or which by its condition or location present an immediate and serious danger to the public, shall be discontinued or made to conform within the time the building official may specify. If the owner of such sign cannot be found or refuses to comply with the order to remove, the building official shall then have the dangerous sign removed and the owner cited. The cost of removing the sign plus administrative costs will be charged to the property owner.

B. Any person who owns or leases a nonconforming sign shall remove such sign when the sign has been abandoned:

1. If the person who owns or leases such permittee has not identified himself, the City may remove any sign fails to removeit as provided inhas ceased to be relevant, if it should be removed under this section, the building official shall give or if the owner of City might have requested the building, structure, or premises upon which such sign is located 60 days’ written notice to remove it;

2. If the sign has not been removed at the expiration of the 60 days’ notice, the building official may remove such sign at cost to the owner of the building, structure, or premises; and

3. Costs incurred by the city of Milton due to removal may be made a lien against the land or premises on which such sign is located, after notice and hearing, and may be collected or foreclosed in the same manner as liens otherwise entered in.
the liens docket of the city.. (Ord. 1666 § 2, 2006; Ord. 1663 § 20, 2006; Ord. 1437 § 1, 2000).

17.50.180 Deviation from standards.
A. Authority. The land use administrator may grant a deviation from the requirements of this chapter using Process II (Chapter MMC 17.71 MMC). In granting any deviation, the director may prescribe conditions that are necessary to satisfy the criteria below.

B. Nonconforming signs. The land use administrator may grant a deviation from the provisions of MMC 17.50.150(B)(4) requiring the removal of a nonconforming sign because of a change in copy only if the circumstances prompting the deviation from standards request do not result from the actions of the applicant. A change in telephone area code or street name are two examples of potential changes in copy that would not be prompted by the actions of the applicant.

C. Standards. The land use administrator may grant a deviation from standards of this chapter only if the applicant demonstrates compliance with the following criteria:

1. The deviation from standards as approved shall not constitute a grant which is inconsistent with the intent of the sign code;

2. That deviation from standards is necessary because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;

3. That granting of the deviation from standards will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and in the zone in which the subject property is located;

4. That special conditions and circumstances prompting the deviation from standards request do not result from the actions of the applicant;

5. That deviation from standards as granted represents the least amount of deviation from the prescribed regulations necessary to accomplish the purpose for which the deviation from standards is sought and which is consistent with the stated intent of this chapter; and

6. That the granting of the deviation from standards shall result in greater convenience to the public in identifying the business location for which a sign code deviation from standards is sought; and

7. That granting of the deviation from standards will not constitute a public nuisance or adversely affect the public safety and the proposed deviation from standards
shall not interfere with the location and identification of adjacent buildings or activities. (Ord. 1741 § 23, 2009; Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

D. Other considerations. The land use administrator will grant deviations that are necessary to comply with MMC 17.50.182. The administrator will also consider deviations necessary to harmonize a sign with any associated structures of a recognized architectural style whether new construction or an existing structure. (Ord. 1741 § 23, 2009; Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.182 Construction.
A. Not content based. The City recognizes that content-based laws target speech based on its communicative content, they are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. Except where a compelling state interest is involved such as the control of public safety matters, this Chapter does not in any way deal with the content of signs other than as expressly stated.

B. Narrowly construed. This Chapter shall be narrowly construed to impose the least impingement on free speech and expression as is consistent with the exercise of the police power of the City.

C. No criminal activity permitted. Nothing in this subsection shall be construed as permitting the public display of illegal pornography, or the solicitation for the commission of crimes or treason.

17.50.185 Signs of Historical Community Significance.
A. A sign may be designated by the City Council as a sign of historical community significance. When a sign of historical community significance is reestablished after a period of absence, the sign must be restored to its historic appearance, height, and width to be classified as a historically significant. If the sign is altered, including but not limited to additional messaging that was not historically present, the sign will not be considered historically significant.

17.50.190 Penalty for violations.
A. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, move, improve, convert, demolish, equip, or use any sign or sign structure in the city, or cause or permit the same to be done, contrary or in violation of any provisions of this chapter.

B. Any person, firm, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and punishable as set forth in Chapter 1.08 MMC 9.04.040. (Ord. 1666 § 2, 2006; Ord. 1536 § 2, 2002; Ord. 1437 § 1, 2000).

17.50.200 Severability.
If any clause, sentence, paragraph, section or part of this chapter or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction
to be invalid, such order or judgement shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any part thereof to any other person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).
Chapter 17.50

SIGN CODE

Sections:
17.50.010 Purpose.
17.50.020 Definitions.
17.50.030 Administration and enforcement.
17.50.040 Permits required.
17.50.050 Permit application requirements.
17.50.060 Prohibited signs.
17.50.070 Exempt signs.
17.50.080 General provisions.
17.50.083 Signs in the right-of-way.
17.50.085 Freeway signs.
17.50.090 Pole signs.
17.50.100 Monument signs.
17.50.105 Mixed use town center monument sign.
17.50.110 Signs attached to buildings.
17.50.120 A-board/sandwich board signs.
17.50.130 Directional signs.
17.50.135 Political signs.
17.50.140 Temporary signs.
17.50.150 Nonconforming signs.
17.50.160 Maintenance of signs.
17.50.170 Removal of signs.
17.50.180 Deviation from standards.
17.50.182 Construction.
17.50.185 Signs of Historical Community Significance.
17.50.190 Penalty for violations.
17.50.200 Severability.

*Prior legislation: Ord. 1405.

17.50.010 Purpose.
The purpose of this chapter is to regulate the installation, alteration, relocation, number, size, height, and placement of signs within the city.

Consistent with the comprehensive plan, the regulation of signs is found to protect the health, safety, and welfare of the citizens. It is intended to promote the aesthetic appearance of the city to maintain and enhance its protects the value of property values. It is intended to encourage quality design that creates an attractive and harmonious community and business environment. which It provides businesses with the adequate means to advertise their products and/or services. It is further intended to preserve the right of free speech exercised by its citizens. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.020 Definitions.

“A-board/sandwich board signs” means small type signs, either single- or double-faced and, portable, upon which is generally placed advertising copy denoting products or services being offered upon the premises on which such signs are displayed.

“Abandoned sign” means 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 and which includes a sign that has not been changed or removed within 180 days of a tenancy change ceasing to be relevant.

“Advertising copy” means any sign graphics, background colors, logos or trademarks that identify or promote the sign user or any product or service, or that provides information about the sign user, the building or the products or services available.

“Awning” means any structure made of cloth, metal, or other material with a frame attached to a building, whether or not the same is so erected as to permit its being Some awnings can be raised to a position flat against the building when not in use.

“Awning sign” means a sign affixed to the surface of an awning and which does not extend vertically or horizontally beyond the limits of such awning.

“Balloon” means a latex balloon 36 inches or less in diameter tethered on a cord not greater than four feet in length.

“Balloon, rooftop” means a balloon with a vertical dimension greater than 36 inches but not greater than 25 feet.

Commented [DPK3]: In order to withstand even intermediate scrutiny, this section will need to be beefed up.

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Commented [DPK3]: Note - every definition of a sign that creates a category based on content (political signs, business signs, etc.) may lead to improper content based restrictions later in the chapter. Ideally, the definitions section will not have, nor need, any of the yellow definitions.

Most of the green definitions are simply related to the construction type of the sign, which has nothing to do with the content of the sign. These definitions and distinctions are fine and will be used more as the code is rewritten.

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Commented [WLC4]: Where I have struck out material that was highlighted in red, I have changed the color to blue if the strikeout is not clear.

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Commented [WLC5]: Judges have an idea of what abandoned is and little needs to be added except some certainty for the Code Enforcement Officer.

Commented [WLC6]: Attempting to include regulations inside a definition is problematic. If I put a five foot cord on the balloon it is no longer regulated by this ordinance. Similar changes have been made throughout. I have deleted both definitions as they applied to specific business applications.
“Banner sign” means a sign made of cloth, fabric, paper, nonrigid flexible plastic or similar types of material. Banners may contain text, numbers, graphic images or symbols. Pennants and flags are not considered banners.

“Billboard” means a preprinted or handpainted changeable advertising copy sign that directs attention to businesses, commodities, services, or facilities that are not primarily sold, manufactured, or distributed from the property on which the sign is located. The term “billboard” includes both the structural framework that supports a billboard and any billboard faces attached thereto. Although sometimes smaller, billboard sizes often range from 12 to 14 feet in height and 24 to 48 feet in width. A billboard is not a “changeable copy sign” as defined below.

“Building facade” means the exterior walls of a building exposed to public view or that cannot be viewed by persons not within the building.

“Business sign” means a sign located on the premises of the business with which it is associated.

“Canopy” means any structure, other than an awning, made of cloth, metal, or other materials with framework attached to a building or carried by a frame supported by the ground.

“Canopy sign” means any sign erected upon, against or directly above a canopy.

“Center identification sign” means any sign that identifies a shopping center, industrial center, or office center by name, address, or symbol. Center identification signs may also identify individual tenants or businesses within the center.

“Change in nature” means an expansion of the building or structure housing the business in excess of 50 percent of the existing assessed value, or a change in the name of the business that would require a change in signage.

“Changeable copy sign (manual)” means any sign that is designed so that characters, letters, or illustrations can be changed or rearranged by hand without altering the face or the surface of the sign; i.e., readerboards with changeable pictorial panels. A billboard is not a changeable copy sign.

“Changing message center” means an electronically controlled sign, message center, or readerboard where copy changes of a public service or commercial message.

Nature are shown on the same lamp bank, i.e., time, temperature, date, news, or commercial information of interest to the traveling public.

“Commercial flag” means a flag no larger than 24 square feet identifying the words, numbers, or business/corporate images and symbols. No more than 12 commercial flags may be erected on a site.

“Construction sign” means a temporary nonilluminated sign giving the name of principal contractors, architects, lending institutions, or other persons or firms responsible for construction on the site where the sign is located, together with other information included thereon.

“Damaged/disrepaired sign” means a sign that is damaged, in disrepair, or vandalized and not repaired within 60 days of the damaging event.

“Dangerous sign” means a sign that by nature of its condition is hazardous to the public’s health, safety, and welfare.

“Directional sign” means a permanently erected single- or double-faced sign designed to guide or direct pedestrian or vehicular traffic to an area, place, or convenience. Directional signs shall only contain information on exits, entrances, parking, telephones, restrooms, or similar types of information and the name and/or logo of the business where the directional sign is located.

“Directory sign” means a sign on which the names and locations of occupants or the use of a building is given.

“Display surface” means the area made available by the sign structure for the purpose of displaying an advertising message.

“Double-faced sign” means a sign that has advertising copy on opposite sides of a single display surface or sign structure. Wedge, round or multifaceted signs shall not be considered double-faced signs when determining square footage. Instead, the area of each face of such signs is used when figuring square footage.

“Electrical sign” means a sign or sign structure that uses electrical wiring, connections and/or fixtures as a part of the sign, but not including signs illuminated by an exterior light source.

“Electronic sign” means a sign designed to allow changes in the sign graphics electronically.

Commented [kne11]: This is also yellow because case law is split regarding whether Reed prohibits a distinction between commercial and noncommercial signs. While some cases state that the commercial/noncommercial First Amendment tests remain intact following Reed, others say that distinguishing between commercial and noncommercial plainly requires the reader to analyze the content of the sign, making such a regulation content based. Under the commercial speech tests, the fact that a regulation is content based results in heightened scrutiny:

City must show that the ordinance directly advances a substantial governmental interest and that the measure is drawn to achieve that interest.

Commented [kne12]: This is green (rather than yellow) because the definition of advertising copy is not limited to commercial graphics/logos/text.

Commented [WLC13]: This chapter contained 122 instances of the word “shall.” I have removed most of them. The word has some utility in legal construction, but most lawyer try to minimize the use of the word as it tends to switch the brain off if overused.
“Festoon” means a strip or string of balloons that includes or clusters or strings of balloons connected to a fixed object or vehicle on at least one end of the festoon.

“Flag” means a piece of cloth or other nonrigid flexible material identifying one of the following:

1. Flag of a nation;
2. Commemorative flag such as a POW flag; or
3. Flag of a political subdivision.

“Flag, commercial.” See “Commercial flag.”

“Flashing sign” means a sign or a portion thereof that changes light intensity or switches on and off in a constant, random or irregular pattern or contains motion or the optical illusion of motion by use of electrical energy. Changing message centers shall not be considered are not flashing signs.

“Freestanding letters” means individual letters, characters or marks comprising any portion of a sign or sign structure, whether erected flat against a wall or upon a framework for support.

“Freestanding sign” means a sign supported by poles, uprights, braces, or standards and is not connected to or supported by any other structure. Pole signs and monument signs are examples of freestanding signs.

“Freeway sign” means a pole or monument sign that is allowed by code for those properties that are located along the Interstate 5 (I-5) right-of-way as defined in the chapter. “Freeway signs” are specifically oriented to the traffic on the interstate rather than other state or local roadways.

“Garage sale sign” means a temporary sign that advertises a residentially-based garage sale.

“Grade” means the elevation or level of the street (or parking lot) closest to the sign to which reference is made, as measured at the street centerline, or the relative ground level in the immediate vicinity of the sign.

“Grand opening” means welcoming clients, customers, etc., into a newly opened or relocated place of business for the purpose of promoting or familiarizing people with the business. To be eligible for grand opening signs, the business...
must be lawfully licensed by the city of Milton and have been open for three months or less (see also MMC 17.50.040).

“Graphic” means any of the following: symbols or pictures formed by writing, drawing, or engraving, relating to the written or printed word, the symbols or devices used in writing or printing to represent a symbol, word, meaning, or message.

“Identification sign” means a sign that is limited to the name, address and number of a building, institution, or person and to the activity carried on in the building or institution, or the type of occupancy of the person.

“Illuminated sign” means a sign designed to give forth any artificial or reflected light, either directly from a source of light incorporated into or connected with such sign, or indirectly from a source intentionally directed upon it, so shielded that no direct illumination from it is visible elsewhere than on the sign and in the immediate proximity thereof.

“Incidental sign” means a small sign, four square feet or less in area, intended primarily for the convenience and direction of the public on the premises. Incidental signs do not advertise but are for informational purposes only. Incidental signs may contain information that denotes the hours of operation, telephone number, credit cards accepted, entrances and exits, and information required by law. Incidental information may appear on a sign having other copy as well, such as an advertising sign.

“Institutional sign” means a sign to identify educational, civic, and religious institutions.

“Internal illumination” means a source of lighting concealed entirely within a sign that makes sign graphics visible by transmitting light through a translucent or semi-translucent material.

“Landscaping” means trees, shrubs, and groundcover used around or under the base of monument signs. Required landscaping may be planted in concrete planters, landscape beds, or planter boxes.

“Lawn sign” means a temporary sign within the lawn or landscape area of a site. Lawn signs often identify businesses that have performed improvements to a building or site. Political signs are not considered lawn signs.

Commented [WC17]: See the definition of “sign” and discussion concerning “directional sign”.

Commented [kne18]: See Comment 9 above. One way to handle temporary signs is to require a city-issued approval sticker which can be used to determine the temporary nature of the sign and with no restrictions on content or need to read the sign.
“Liquidation sign” means a temporary sign for the purposes of identifying liquidation sales.

“Logo” means an identifying emblem or insignia containing sign graphics, symbols or colors typically used for identification and/or advertisement.

“Marquee” means a permanent structure attached to, supported by and projecting from a building or free standing that provides and providing protection from the weather elements, but this 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 but does not include canopies.

“Marquee sign” means a sign attached to and made part of a marquee. A marquee or canopy is defined as a permanent roof-like structure attached to and supported by the building and projecting beyond a building, but does not include a projecting roof.

“Monument sign” means a ground-mounted, fixed sign with a height ranging from five to 12 feet above the average ground elevation. The base (not included in the sign surface area calculation) is attached to the ground as a wide base of solid construction. In no instance shall the bottom of the sign be more than six inches above the base.

“Multiple occupancy building” means a single structure with a common building access that houses more than one retail business, office or commercial venture.

“Municipal facility sign” means a sign that is located on the premises of a facility owned or operated by the city of Milton.

“Mural” means is a work of art painted or applied to a wall of a building or other structure, decorative design or scene intended to provide visual enjoyment that is painted or placed on an exterior building wall. A mural contains no commercial message, logo, corporate symbol, or registered trademark.

“Neighborhood identification sign” means a sign to identify a particular residential area or development.

“Neon lighting” means illuminated tubing forming sign graphics or that is otherwise used as an exposed lighting source. For the purpose of this chapter, the regulation of the sign should not be included in the definition. This language appears in 17.50.100 where it belongs.

As written, this is permissible because it is limited to the location of the sign. If it is utilized to allow the city to license or permit certain types of signs by non-government speakers on city property, then it becomes problematic.

See comment on commercial/noncommercial distinctions.

While this is clearly content based, it may be able to survive strict scrutiny because it’s a location identified useful to emergency services and the public in an emergency.
term “neon” will be considered a generic term for this type of lighting regardless of the type of fluorescing gas or material contained within the tubing.

“Neon sign” means neon lighting used to draw attention to a business or building in any manner, including (but not limited to) neon sign graphics, logos or outlining of a building’s architectural features.

“Nonconforming sign” means any sign, legally constructed, that does not conform to the requirements of this chapter.

“Nonstructural trim” means the molding, batters, caps, nailing strips, latticing, cutouts, or letters and walkways that are attached to the sign structure.

“Off-premises sign” means a sign that identifies, advertises, or gives directional information to a commercial establishment not located on the premises where the sign is installed or maintained. A billboard is an example of an off-premises sign.

“Off-site directional arrow real estate signs” means off-site, portable, temporary directional signs intended to assist people in finding the location of difficult to locate property that is offered for sale. They may not exceed six inches in height or 24 inches in length per side, must be freestanding on their own stake and the bottom edge of the sign must be placed at ground level.

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

“On-site real estate sign” means a temporary or portable sign placed on the subject property that advertises that the property is for sale, rent, or lease. The number of such signs that are related to one per-broker real estate sign shall be limited to one per-premise per street, per public entrance, whichever is greater. For a dwelling unit, the area of the sign shall be no greater than 12 square feet, where no sign face may exceed six square feet. For other uses and developments, the size of an on-site real estate sign shall not exceed 64 square feet, where no sign face may exceed 32 square feet. All on-site real estate signs must be removed when the sale closes or in the case of a rental or lease, when the tenant takes possession.

“Open house sign” means a portable or temporary sign advertising property that is for sale, rent, or lease. The number of such signs shall be limited to three per property per agent, except that if the agent has more than one property in a development listed for sale, rent, or lease, the agent’s total number of such signs...
The area of such signs shall be no greater than 12 square feet. They may be placed in the right-of-way outside of median strips, public sidewalks, and vehicular and bicycle lanes. They may not block driveways or be affixed to utility poles, trees, or traffic signs. Open house signs must be removed each day at the conclusion of the open house and are permitted only between sunrise and sunset when the seller or the agent are in attendance at the property.

"Painted signs" means a sign or sign structure, nonelectrical in nature, except such signs may have illumination from an exterior light source.

"Parapet" means that portion of a building wall that extends above the roof of the building.

"Patio sale sign" means a temporary sign that advertises a residentially based patio sale.

"Pennant" means a sign made of cloth, fabric, nonrigid flexible plastic, or similar types of material that is not more than 24 square feet in size. Pennants may not contain text, numbers, or business/corporate images and symbols. No more than 12 pennants may be erected on a site. Banners and flags are not considered pennants. Pennants need not be triangular in shape.

"Perimeter" means the outer boundary required to enclose a sign area.

"Permanent sign" means a sign that is erected without restriction on the time period allowed for display.

"Permittee" includes any person who should have taken out a permit under this Chapter or MMC 15.05.

"Planned center" means a group of structures housing at least one retail business, office, commercial venture or independent or separate part of an activity business that was processed through the site approval process as one project or that shares the access and/or parking facilities. Individual parcels need not be under the same ownership in order to qualify as a planned center.

"Pole sign" means any sign, electric or otherwise, hung, supported or cantilevered from one or more supports constructed of structural steel, pipe, or other materials or combinations of same.
“Political sign” means any temporary sign that advertises a candidate for public elective office or any political party or a sign that promotes a position on a public or ballot issue.

“Porch sale sign” means a temporary sign that advertises a residentially-based porch sale.

“Portable sign” means any sign that is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support constructed without wheels is converted to an A or T frame sign, or attached temporarily or permanently to the ground, since this characteristic is based on the design of such a sign. It is characteristic of such a portable sign that the space provided for advertising matter consist of a are usually changeable copy sign.

“Projecting sign” means a sign, other than a wall sign, that is attached to and projects more than one foot from a structure or other building face.

“Projection” means the distance by which a sign extends beyond its means of support.

“Public information sign” means a sign erected and maintained by any governmental entity for traffic direction or for designation of or directions to any school, hospital, historical site, or public service, property, or facility.

“Readerboard” means a sign consisting of tracks to hold letters that allows for frequent changes of copy; usually such copy is not electronic. A readerboard may be a component of a monument, pole, or wall sign.

“Readerboard, mobile” means a readerboard sign that is not permanently installed on-site.

“Real estate sign” means a sign erected by the owner or agent of a real estate sign that offers for a limited time and offering the sale, rent or lease of ground upon which it is located or of a building located on the same parcel of ground.

“Repair” means to paint, clean, or replace damaged parts of a sign, or to improve its structural integrity of a sign, but not in a manner that would change the size, shape, location, or character.

“Revolving sign” means any sign or sign structure that revolves or partially revolves by means of some mechanical method about an axis.
“Roof” means the exterior surface and its supporting structures on the top of a building. Overhangs extending beyond the facade of the lower wall are considered part of the roof.

“Roof sign” means any sign erected upon, against, or directly above a roof or parapet of a building or structure. When permitted, eighty percent of the sign area shall be backed by the roof system.

“Seasonal decorations” means temporary decorations for holidays that do not fall under the definition of a sign and that are installed no sooner than 30 days before a holiday and removed no later than five days after the holiday. Decorations that fall under the definition of a sign must conform to all provisions of the sign code.

“Sign” means any object, device, display, structure or part thereof that is used to advertise, identify, direct, or attract attention to a product, business, activity, place, person, institution, or event using words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Directional and incidental signs are considered signs for the purpose of this chapter.

“Sign area” means the entire area of a sign on which advertising copy, logos, trademarks, and business or corporate colors are to be placed. Sign structures and associated architectural embellishments, framework and decorative features that contain no written or advertising copy, information, and that are not illuminated and that contain no logos or trademarks shall not be calculated in determining sign area included. Sign area shall be calculated by measuring the area of the smallest rectangle, circle, triangle or parallelogram that can be drawn around all parts of the sign from the viewpoints to exposing the largest sign surface area, including the sign face background, and including all spaces and voids between or within letters or symbols that comprise a single word, statement, description, title, business name, graphic symbol or message for all sign faces. Sign supporting structures that are part of the sign display shall be included in the area of calculation. The entire perimeter area of the letters, graphics, symbols, and framework shall be used to determine sign area.

“Sign graphics” includes all lines, strokes, text, symbols and logos applied to a sign surface and does not include the background surface to which they are applied.
“Sign height” means the vertical distance measured from the adjacent natural grade at the base of the sign to the highest point of the sign structure, provided, however, that the grade of the ground may not be built up in order to allow the sign to be higher.

“Sign structure” means any structure that supports or is capable of supporting any sign as defined in this chapter. A sign structure may be a single pole and may or may not be an integral part of a building. Any structure that performs an entirely separate use, such as a telephone booth, bus shelter, Goodwill container, fence, etc., shall not be considered a sign structure.

“Silhouette lighting,” sometimes called “halo lighting,” means lighting being emitted from the back side of pan-channel sign graphic that has the open side of the channel facing the wall or sign face it is mounted to, thereby silhouetting the sign graphics.

“Subdivision identification sign,” means a sign no larger than 36 square feet to identify a particular subdivision that is larger than four acres or more in size.

“Swinging sign” means a sign installed on an arm or spar that is fastened to an adjacent wall or upright pole, which sign is allowed to move or swing to a perceptible degree.

“Temporary sign” means any sign that is not permanently mounted and that contains a message for a particular event or happening that will render the sign obsolete upon the event or happening. It means any banner, pennant, or other advertising display, with or without frames, constructed of cloth, light fabric, paper, plastic, cardboard, or other similar material. “Temporary sign” does not mean an ongoing advertising or promotion of services for the running of a business, or any of a sanctioned permanent sign.

“Temporary sign, sports field” means any maintained, nonfreestanding sign attached to fencing at a sports field that can only be displayed during the sport’s season of play and must be removed at the end of the sport’s season of play.

“Traffic advisement sign” means a sign erected within the public right-of-way alerting motorists of impending road conditions. Signs depicting rail road crossings, curves ahead, crosswalks, and deer crossings are examples of traffic advisement signs. Allowable traffic advisement signs are identified in the AASHTO manual.

Commented [kne28]: See neighborhood sign

Commented [kne29]: See comment on temporary signs.

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Commented [kne30]: While the definition is not inherently content based because it focuses only on the location of the sign, the use of this definition in 17.50.140 is problematic.

Commented [kne31]: This would probably survive strict scrutiny because of safety concerns.
Traffic control signs/device means a sign erected within the public right-of-way identifying restrictions on travel. Examples of traffic control signs include stop signs, one-way signs, and speed limit signs to control traffic placed in accord with the Manual for Uniform Traffic Control Devices.

Unlawful sign means any sign that was erected in violation of any applicable ordinance or code law governing such erection or its construction at the time of its erection or placement, which sign has never become a compliance and that does not comply with all applicable ordinances or code laws now.

Vision clearance area means an area for the preservation of unobstructed sight distance. Vision clearance areas shall conform to the following requirements:

1. All on corner lots shall maintain for safety, vision purposes a triangular area, two sides of which shall extend 20 feet along the lot lines from the corner of the lot formed by the intersection of the two streets. And within which the triangle no tree shall be allowed, and no fences, shrubs, or other physical obstruction higher than 42 inches above the established grade shall be permitted.

2. On lots upon which a vehicular driveway is maintained, an area of vision clearance shall be maintained on each side of the driveway. The area shall be defined by a triangular area extending 20 feet along the lot line abutting the street and 20 feet along the driveway.

3. If the driveways of adjacent properties vision clearance is affected then the fence, shrub, tree or sign must meet the requirements of subsections 1 and 2 of this definition. On lots adjacent to those defined in 1 and 2, above, that area necessary to complete the triangular area.

4. The requirements listed in subsections described in 1, 2 and 3 above of this definition shall be subject to MMC 12.20.030, Overhanging or obstructing vegetation or debris.

Wall plane includes that portion of a facade that is contained on one general plane. A single wall plane may contain windows and doors but it is generally a solid surface. The fascia of projecting porches or colonnades may be considered part of the wall plane from which the porch or colonnade projects for in calculating signage area.
"Wall sign" means 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. Wall signs shall be supported throughout their 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 will be treated as a "sign attached to a building." 

"Window sign" means a sign painted on, affixed to, or installed inside a window for purposes of viewing from outside the premises.

"Yard sale sign" means a temporary sign that advertises a residential-based yard sale. (Ord. 1666 § 2, 2006; Ord. 1563 § 1, 2003; Ord. 1474 § 1, 2001; Ord. 1437 § 1, 2000).

17.50.030 Administration and enforcement.
A. All Anyone installing or altering a new temporary or permanent signs require must obtain a sign permits unless specifically exempted by MMC 17.50.070. The sign permits require full conformance must comply with all city codes. The land use administrator shall will issue all permits for the construction, alteration, and erection of signs in accordance with the provisions of this section and related chapters and titles of the municipal codeChapter and other applicable laws.

B. It shall be the duty of The land use administrator, or code enforcement officer, of the city of Milton to will interpret and enforce this sectionChapter. In addition to meeting complying with the provisions of this section Chapter of the zoning code, the permits materials, structural design, construction, inspection, and maintenance requirements for signs must conform to Chapter 15.04 MMC comply with the Construction Codes administered by the public works department. In addition, all signs, where appropriate, shall conform to and the current National Electrical Code and the National Electrical Safety Code. (Ord. 1666 § 2, 2006; Ord. 1536 § 1, 2002; Ord. 1437 § 1, 2000).

17.50.040 Permits required.
A. It shall be unlawful for any person to erect, re-erect, construct, enlarge, display, change copy, alter or move a sign, or cause the same to be done, without first obtaining a permit for each sign from the land use administrator as required by this chapter.
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B. A permit shall be required for signs installed simultaneously on a single supporting structure. Thereafter, each additional sign(s) erected on the structure must have a separate permit.

C. No permit is required for an exempt sign or any sign not specifically regulated by this Chapter.

C. This section shall not be construed to require an additional permit to repaint, clean, repair, or otherwise perform normal maintenance or repair on a permitted sign or sign structure, nor shall it be construed to require an additional permit for the change of copy on a changeable copy sign. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.050 Permit application requirements.

To obtain a sign permit, the applicant shall make application in writing on forms furnished by the public works department. Every application for a permanent sign shall include the following:

A. Telephone number and address of the owner or agent are required on temporary signs. This information need not be on the front of the sign; contact information, if desired, by the permittee.

B. Identification and description of the sign including the type, size, dimensions, height, and number of faces.

C. Description of the land where the proposed sign is to be located by street address.

D. An affidavit that the written consent of the owner or person in legal possession of the property or agent of the owner or person in legal possession of the property to which or upon which the sign is to be erected has been obtained by his agent.

E. Sign drawings showing display faces with the proposed message and design accurately represented as to size, area, and dimensions;

F. Site plan drawn to scale containing a north arrow, location of property lines, lot and property dimensions, location of existing signs, and the location of the proposed sign on the site;

G. Plans, elevations, diagrams, light intensities, structural calculations and other material as may be reasonably required by the land use administrator;

Commented [WLC35]: This is problematic. Often the permittee will desire to remain anonymous. One can imagine that a permittee putting up a sign announcing a Klanvocation or Nambla meeting might not want a lot of identifying information on the sign or as a public record. There is no doubt, for example, that the government cannot require any group to reveal its members’ names and addresses, unless public officials have a compelling need for the information and no alternative means of obtaining it. See, e.g., NAACP v. Alabama, 357 U.S. 449 (1958). As the Supreme Court pointed out in a 1995 case that struck down an ordinance prohibiting the anonymous distribution of political leaflets: “Anonymity is a shield from the tyranny of the majority. It thus exemplifies the purpose behind the Bill of Rights, and of the First Amendment in particular: to protect unpopular individuals from retaliation — and their ideas from suppression — at the hand of an intolerant society.” McIntyre v. Ohio Elections Commission, 514 U.S. 334, 357 (1995).

Commented [kne36]: Same comment above.
H. If the sign application is for a freestanding sign that proposes a footing, a building permit is required;

I. Documentation demonstrating that the sign installer has a valid Washington State contractor’s license when a sign requires a building permit unless the sign is being installed by the owner of the sign;

J. Application for an electrical permit from the city of Milton or other electric provider for any electrical sign;

K. A permit fee as adopted in the latest fee ordinance of the city council;

L. Proof that a city of Milton business license has been obtained by the sign installation contractor and the company that is utilizing the permitted sign if the company utilizing the permitted sign is required to obtain a business license. (Ord. 1837 § 7, 2014; Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.060 Prohibited signs.
The following signs shall not be permitted in any zoning district:

A. Signs that pose a hazard to public health or safety other than because of the message delivered, as determined by the building official;

B. Signs that make use of words such as “Stop,” “Look,” “One-Way,” “Danger,” “Yield,” “Slow, Children At Play,” “Detour,” “Road Construction” or any similar word, phrase, symbol, or lights so as to interfere or bewith or are confused with pedestrian or vehicular public safety signs as identified in the AASHTO MUTCD manual but which are not placed by the public authority and are not in compliance with the AASHTO manual MUTCD or applicable laws and regulations;

C. Signs displaying obscene, indecent, or immoral matter as per Chapter 5.44 MMC. Matter is obscene if

1. the average person, applying contemporary community standards, would find that the sign taken as a whole appeals to a prurient interest in sex; and

2. the sign depicts or describes in a patently offensive way, as measured against community standards, sexual conduct which explicitly depicts or describes patently offensive representations or descriptions of:
   (a) Ultimate sexual acts, normal or perverted, actual or simulated; or
   (b)masturbation;
   (c) Genitalia;
   (d) Excretory functions;
   (e) Landscape

Commented [WC37]: I am not of the opinion that we building official can become the free speech official. There must be a hazard to public health or safety in fact and even then this might not be enough. For example, a sign that is patently racially offensive might cause all sorts of public danger, but may be protected speech.

Commented [WC38]: There are essentially counterfeit traffic signs. To help avoid a challenge I have included language to require that they not have been placed by the public authority. The original reference to AASHTO is not correct. The MUTCD is a joint effort between FHWA and a number of private organizations and is the generally accepted standard for traffic signs.

Commented [WLC39]: This chapter does not deal with obscenity per se, but with adult entertainment. I have substituted the definition in 5.44.060.B, which make some sense. We can regulate public displays of obscene matter.

(b) Masturbation, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or genital area; or

c) Violent or destructive sexual acts, including but not limited to human or animal mutilation, dismemberment, rape or torture

; and

3. the sign taken as a whole lacks serious literary, artistic, political or scientific value.

D. Signs that obstruct ingress or egress from fire escapes, doors, windows, or other exits or entrances;

E. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying the sign unless otherwise specifically allowed by this Section Chapter (this does not apply to allowed portable signs or to signs or lettering on buses, taxis, or vehicles operating during the normal course of business and excludes signs to advertise the sale of said vehicle). Signs attached to or placed on any stationary vehicle or trailer, whether operating or not, so as to be visible from a public right-of-way for the purpose of providing advertisement of services or products or for the purpose of directing people to a business. This provision shall not apply to the identification of a firm or its principal products on operable vehicles operating in the normal course of business. Public transit buses and licensed taxis are exempt from this restriction;

F. Off-premises signs except for off-premises real estate signs as permitted under MMC 17.50.140;

G. Rotating and revolving signs;

H. Signs containing strobe lights that are visible beyond the property line;

I. Abandoned signs;

J. Permanent signs on undeveloped sites except for subdivision signs;

K. Outdoor, portable electric signs;

L. Mobile readerboard reader board signs except as permitted under MMC 17.50.140 as temporary signs;

M. Signs on utility poles;

Commented [DPK40]: While some of these might be content based, they would likely withstand any level of scrutiny given the government interest involved.

Commented [WC41]: This section is designed to keep a business – or disgruntled political theorist – from painting advertising, slogans, political messages on a semi-trailer and parking it here and there – usually in front of the business.

Commented [kne42]: See previous comment on off-premise.
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N. Signs on sign posts of advisory signs such as “curve ahead,” “crosswalk,” or “road narrows.”

O. Blinking or flashing lights, balloons, searchlights, clusters of flags, strings of twirlers or propellers, flares, and other displays of a carnival nature; grand opening displays; or on a limited basis as seasonal decorations except as provided for in MMC 17.50.140.

P. Banners except as approved as temporary signs under MMC 17.50.140;

Q. Balloons except as approved as temporary signs under MMC 17.50.140;

R. Signs on or eligible for listing on federal or state historic registers are excluded from this provision;

S. No public address system or sound devices shall be used in conjunction with sign or advertising device;

T. No sign shall be used as a fence nor any fence be used as a sign nor any sign be attached to a fence;

U. Billboard signs; and

V. Any other type or kind of sign that does not comply with the terms, conditions, provisions, and intent contained in this chapter and other applicable law or ordinances (Ord. 1712 § 1, 2007; Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.070 Exempt signs.
The following signs do not require a permit for installation. All other provisions of this chapter apply.

A. Temporary political signs under six square feet per face;

B. Legal notices, identification, traffic, or other signs erected or required by governmental authority under any law, statute or ordinance;

C. Seasonal holiday decorations not including any form of advertising or the name of a business;

D. Handicap parking signs.
E. Signs on product dispensers permitted outside of a business. These signs may include signs on vending machines and gas pumps.

F. Menu boards for drive-through businesses, provided that the copy on the sign is not intended to be readable from a public right-of-way.

G. Professional nameplates not exceeding two square feet in area.

H. Plaques, tablets or inscriptions indicating the name of a building, date of erection, or other commemorative information, that are an integral part of the building structure or are attached flat to the face of the building, that are nonilluminated, and that do not exceed four square feet in surface area.

I. Signs of the state, city or public service companies indicating danger, aids to service or safety, traffic control or traffic direction signs, or signs identifying programs such as the adopt-a-road litter control program, etc. created or sanctioned by a government agency.

J. Historic site markers, plaques, or gravestones and signs on or eligible for listing on federal or state historic registers are excluded from this provision.

K. Address numbers or signs depicting a family name, such as Keck's residence identification.

L. Signs on structures or improvements intended for a separate use, such as phone booths, charitable donation containers, and recycling boxes.

M. Building addresses with numbers and letters not more than 10 inches in height.

N. Signs not oriented or intended to be legible from a right-of-way or other property or parking areas. Examples may include signs identifying rules for a swimming pool, signs identifying restroom facilities, parking regulations and tow-away signs.

O. Painted wall decorations or murals;

Q. Painted wall highlights.

Commented [kne48]: Certain gas pump signs, like no smoking would probably withstand scrutiny. There may be other types of signs required by law here.

Commented [kne49]: Depends upon the structure and implementation of the government program.

Commented [kne50]: There is a case finding that an exemption for charitable donation bin signs was content based. As written, it doesn't define the content of the sign on the structure, but in reality that is probably what it refers to. Could be reworked to clarify that the implementation should only be related to location.

Commented [kne51]: Assuming definition of mural edited, should be permissible.

Commented [kne52]: Not sure how this is a sign?
17.50.080 General provisions.

A. The area of all signs shall not exceed 200 square feet except for uses with building fronts more than 100 feet long. For uses in which the building linear front footage exceeds 100 feet, the maximum area of all signs shall not exceed an area equal to two times the linear front footage of the building or 450 square feet, whichever is less. Multiple occupancy buildings may display an additional 50 square feet of wall signage for no more than two building occupants, other than the primary tenant, subject to the provisions of MMC 17.50.110. In no instance shall the primary tenant be permitted to use any of the additional signage to increase the maximum allowed signage for the primary tenant.

B. Number and Spacing of Monument Signs. One monument sign is permitted per primary street frontage; one additional monument sign is permitted for each additional 300 feet of primary street frontage. Multiple monument signs must be a minimum of 250 feet apart along one or more street frontages.

C. Indirect Lighting. Monument signs, where permitted in residential zones (RS, RMD, RM), shall only be illuminated from an indirect source. Civic uses that are a permitted or conditional use in the residential zones may have an "electronic sign," subject to the approval of a conditional use permit for the sign. For civic uses that are conditional uses in the residential zones, the approval for the use and the sign may be combined into a single conditional use permit. (Ord. 1666 § 2, 2006; Ord. 1474 § 2, 2001; Ord. 1437 § 1, 2000).

17.50.083 Signs in the right-of-way.

A. With the exception of traffic control and advertisement, temporary political signs, temporary construction signs associated with work within the public right-of-way, and properly authorized banners (see MMC...
17.50.140 (A)(1)), no signs shall be erected or placed within the public right-of-way. Traffic control and advisement devices, A-board/sandwich board signs, open house signs, and real estate directional temporary arrow signs may be placed in the right-of-way outside of median strips, public sidewalks, and vehicular and bicycle lanes. They may not block driveways or be affixed to utility poles, trees, or traffic control devices, and shall not block vision clearance areas.

B. Vision Clearance Area. Pole signs are permitted in the vision clearance area where the bottom of the sign is at least 10 feet above the elevation of the street grade.

C. Vehicle Area Clearances. When a sign extends over a private area where vehicles travel or are parked, the bottom of the sign structure must be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and maneuvering areas. Exceptions are prohibited.

D. Pedestrian Area Clearances. When a sign extends over a walkway or other space accessible to pedestrians, the bottom of the sign structure must be at least eight feet above the ground. Exceptions are prohibited. (Ord. 1666 § 2, 2006; Ord. 1474 § 2, 2001; Ord. 1437 § 1, 2000).

17.50.085 Freeway signs.
Freeway signs are located along and specifically oriented toward traffic on I-5.

A. Maximum Number and Spacing:

1. RS, RMD, RM, MX, CF, OS: Zero.

2. B, M-1: One per parcel or one per planned center when the parcel or planned center directly abuts the I-5 right-of-way. The parcel or planned center shall be a minimum of 12,000 square feet in area, or have been legally created prior to January 1, 2003, in order to erect a freeway sign. The freeway sign is in addition to other allowed signage, it shall be located along the side of the property nearest I-5, and it shall be oriented toward I-5.

B. Size Allocation:

1. RS, RMD, RM, MX, CF, OS: Does not apply.
2. B, M-1: Up to a maximum sign area of 250 square feet. No sign face shall may exceed 125 square feet.

C. Maximum Height:
   1. RS, RMD, RM, MX, CF, OS: Does not apply.
   2. B, M-1: 40 feet.

D. Landscape and Siting Requirements. Freeway signs shall must be located in a planting bed of equal area to the area of the sign. The planting bed may be included within the planting strips required under Chapter 17.15C MMC, Landscape regulations table. The minimum dimension of the planting bed shall must be 10 feet measured from inside face of the curb to inside face of curb. The planting beds shall will be improved with the following:
   1. One gallon groundcover planted 12 inches on center; and
   2. One shrub per 10 square feet of sign area. Shrubs located within the vision clearance area shall may not be taller than 36 inches. (Ord. 1666 § 2, 2006; Ord. 1563 § 2, 2003).

17.50.090 Pole signs.

Pole signs are an alternative to monument signs for planned centers on parcels of five acres or greater with a minimum of 300 feet of street frontage.

A. Maximum Number and Spacing:
   1. RS, RMD, RM, MX: Zero.
   2. B, CF, M-1, OS: One center identification sign per parcel of five acres or greater with a minimum of 300 feet of street frontage or one per planned center of five acres or greater with a minimum of 300 feet of street frontage. One additional center identification pole sign is permitted for each additional 300 linear feet of street frontage. Multiple center identification pole signs shall be a minimum of 250 feet apart along one or more street frontages.

B. Size Allocation:
   1. RS, RMD, RM, MX: Does not apply.

Commented [WC62]: As noted above, I do not see why a large parcel owner should have more free speech than the owner of a smaller parcel.

Commented [WC63]: This is questionable. If the sign code is to address visual clutter, one sign ought to do. Perhaps a sign for each entrance makes better sense.
2. B, CF, M-1, OS: One square foot of sign area for each linear foot of primary street frontage up to a maximum sign area of 200 square feet. No sign face shall exceed 100 square feet.

C. Maximum Height:
   1. RS, RMD, MX: Does not apply
   2. RM: 12 feet
   3. B, CF, M-1, OS: 20 feet

D. Landscape and Siting Requirements. Pole signs shall be located in a planting bed of equal area to the area of the sign. The planting bed may be included within the planting strips required under Chapter 17.15C MMC Landscape regulations table. The minimum dimension of the planting bed shall be five feet measured from inside face of curb to inside face of curb. The planting beds shall be improved with the following:
   1. One gallon groundcover planted 12 inches on center; and
   2. One shrub per 10 square feet of sign area. Shrubs located within the vision clearance area shall not be taller than 36 inches. (Ord. 1666 § 2, 2006; Ord. 1474 § 3, 2001; Ord. 1437 § 1, 2000).

17.50.100 Monument signs.

Monument signs with a height ranging from five to 12 feet above the average ground elevation, and a base (not included in the sign surface area calculation) that is attached to the ground as a wide base of solid construction so that the bottom of the sign is no more than six inches above the base are the preferred sign type along street frontages.

A. Maximum Number.
   1. RS, RMD, MX: Zero for residential uses; one per street frontage for permitted or conditionally permitted nonresidential uses. One subdivision identification sign is permitted per subdivision greater than four gross acres in size.
   2. RM: One per street frontage. The parcel must have a minimum 30 feet of street frontage.
3. B, CF, M-1, OS: One per street frontage. The parcel must have a minimum of 30 feet of street frontage.

B. Size Allocation.

1. RS, RMD, MX: Does not apply to residential uses. Maximum 64 square feet for permitted or conditionally permitted nonresidential uses, except for a subdivision identification sign which may be a maximum of 36 square feet.

2. RM: 64 square feet.

3. B, CF, M-1, OS: Minimum of 32 square feet plus one square foot per linear foot of primary street frontage up to a maximum sign area of 96 square feet. No sign face shall exceed 48 square feet.

C. Maximum Height.

1. RS, RMD, MX: Eight feet.

2. RM: 12 feet.

3. B, CF, M-1, OS: 12 feet.

D. Landscape and Siting Requirements. Monument signs shall be located in a planting bed of equal area to the area of the sign. The planting bed may be included within the planting strips required under Chapter 17.15C MMC. Landscape regulations table. The minimum dimension of the planting bed shall be five feet measured from inside face of curb to inside face of curb. The planting beds shall be improved with the following:

1. One gallon groundcover planted 12 inches on center; and

2. One shrub per 10 square feet of sign area. Shrubs located within the vision clearance area shall be not be taller than 36 inches.

E. When Not Allowed. A monument sign is not permitted if existing signs attached to buildings exceed the limit of 15 percent of the wall area. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000)

17.50.105 Mixed use town center monument sign.

A. In addition to any other signs allowed by this chapter and notwithstanding any restriction placed by this chapter on off-premises signs, there is allowed one community monument sign in the mixed use town center. This community monument sign shall be located on the property at least 30 feet from any building and in an area that is not designed for use as a parking area.
monument sign may be placed anywhere within the area depicted in Exhibit A, attached to permitted by Ordinance 1577 and incorporated by this reference as if set forth in full may continue as a nonconforming use.

B. The community monument sign allowed by this section shall be a maximum of eight feet high, one foot thick and 64 square feet of area.

C. Only one community monument sign shall be allowed for the businesses located in the MX district.

D. The Milton/Edgewood Chamber of Commerce or the first MX district business to submit a complete application for a sign permit for a community monument sign shall be authorized to construct and maintain the sign upon acquiring approval of the permit. Any sign permit issued for a community monument sign shall expire if the sign is not constructed within six months of permit issuance, subject to a six-month extension for good cause as determined by the planning and community development director. If a sign permit expires or is denied, the right to build the sign shall go to the next person to file a complete permit application.

E. In addition to the requirements specified in MMC 17.50.050, an application for a community monument sign shall contain the following information:

1. An affidavit or declaration of mailing evidencing that all businesses within the MX district have been notified of the opportunity to have their business advertised on the community monument sign. Said notice shall have given businesses at least 15 days to elect to participate by written mailed or delivered response to a specified address. Said notice shall be mailed to the addresses of each business as identified in records at the Pierce County assessor’s office.

2. A list of all those businesses that have elected to participate.

3. An acknowledgement approved in form by the city that the applicant agrees to assume full responsibility for maintenance of the sign and compliance with applicable city regulations. The acknowledgement shall provide that the applicant may transfer its responsibilities to any other MX district business owner willing to sign the acknowledgement. A copy of the new acknowledgement is provided to the city.

Commented [WC67]: This is perhaps a nice idea, but the entire section is direct governmental regulation of free speech.

Commented [kne68]: This appears to be content based if the sign's content is restricted to a message about the business. Moreover, these two sections raise other First Amendment issues regarding the treatment of commercial and noncommercial signs. Commercial signs cannot be treated more favorably than noncommercial. What the City has done here is to create an opportunity available to business that is otherwise not available to noncommercial speakers, which probably would not withstand scrutiny.
4. An easement approved as to form by the city that authorizes the city to remove the sign at the expense of the person or entity subject to the acknowledgement identified in subsection (E)(3) of this section if the acknowledgment relinquishes its responsibilities to maintain the sign or comply with city regulations. The acknowledgment shall be deemed to have relinquished its responsibilities if it fails to undertake an act required by this section within 30 days of receiving written notice from the city.

F. In addition to any other requirement that may apply to a sign permit, the following conditions apply for the issuance of a sign permit for a community monument sign:

1. All businesses identified in subsection (E)(2) of this section shall have equal advertising space on the community monument sign. The acknowledgment can condition the participation of each business on entering into a private agreement with the acknowledgment to reimburse the acknowledgment for its proportionate share of costs in constructing the sign and fulfilling its responsibilities imposed by this code section. All advertising on the community monument sign shall be limited to advertising MX district businesses. Beyond those limitations identified in this subsection, the acknowledgment may not place any further limitations on participation in the community monument sign.

2. The community monument sign as proposed will comply with the requirements of this section and all other applicable city requirements.

3. The person or entity subject to the acknowledgement in subsection (E)(3) of this section shall have the following responsibilities upon permit issuance:

   1. Ensure that the sign complies with all city regulations during the life of the sign, including maintenance responsibilities imposed by MMC 17.50.160 as now or hereafter amended.

   2. Remove businesses advertised on the community monument sign that are no longer located within the MX district and replace them with businesses that wish to participate in the MX district after notice to MX business was issued under subsection (E)(1) of this section. Businesses shall be given priority in order of seniority in the MX district. If no new business wishes to replace a business that is removed from the sign, the acknowledgment may inquire if businesses that previously declined to participate in the sign wish to continue to participate.
17.50.110 Signs attached to buildings.

Awning, fascia, graphic, marquee, roof, and wall signs are permitted signs for attachment to buildings. Signs attached to buildings are permitted on wall elevations that are viewable from public rights-of-way or on wall elevations containing public entrances to the building.

A. Maximum Number. No limit within the size allocation. A limit of one roof sign per wall elevation viewable to the public (see roof sign definition). Multiple occupancy buildings may display one additional wall sign for each tenant additional occupant, other than the primary tenant, up to a maximum of two additional secondary tenant signs, subject to the maximum area per sign described in subsection C of this section.

B. Size Allocation.

1. RS, RMD: Four square feet for residential uses or 10 percent of the wall area for permitted or conditionally permitted nonresidential uses, whichever is greater.

2. RM: Eight square feet.

3. MX: 48 square feet or 15 percent of the wall area, whichever is greater.

4. B, CF, M-1, OS: 48 square feet or 15 percent of the wall area, whichever is greater.

C. Maximum Area per Sign.

1. RS, RMD: Four square feet 32 square feet per sign for signs for permitted or conditionally permitted nonresidential uses (roof signs are prohibited).

2. RM: Eight square feet (roof signs are prohibited).

3. MX: 100 square feet (each roof sign may be a maximum of 48 square feet, where no sign face may exceed 24 square feet). For multiple occupancy buildings, the individual building tenant-occupant signs allowed by subsection A of this section shall may not exceed 25 square feet per sign face.
4. B, M-1: 200 square feet (each roof sign may be a maximum of 48 square feet, where no sign face may exceed 24 square feet). For multiple occupancy buildings, the individual building tenant/occupant signs allowed by subsection A of this section shall may not exceed 25 square feet per sign face.

5. CF, OS: 100 square feet (each roof sign may be a maximum of 48 square feet, where no sign face may exceed 24 square feet).

D. Wall signs shall may not exceed 12 inches in thickness. (Ord. 1666 § 2, 2006; Ord. 1474 § 4, 2001; Ord. 1437 § 1, 2000).

17.50.120 A-board/sandwich board signs.

A. Maximum Number.

1. RS, RMD, RM: Zero.

2. B, CF, M-1, MX, OS: One.

B. Size Allocation.

1. RS, RMD, RM: Does not apply.

2. B, CF, M-1, MX, OS: 12 square feet.

C. Maximum Height.

1. RS, RMD, RM: Does not apply.

2. B, CF, M-1, MX, OS: Four feet.

D. Duration. A-board/sandwich board signs are permitted to remain in place only during the hours of a business’ operation. A-board/sandwich board signs shall be removed at the close of business each day so long as it is providing immediately useful information. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.130 Directional signs.

A. Type. Directional signs refer to a permanently erected single- or double-faced sign designed to guide or direct pedestrian or vehicular traffic to an area, place, or convenience.

B. Content. Directional signs shall only contain information on exits, entrances, parking, telephones, restrooms, or similar types of information and the name and/or logo of the business where the directional sign is located.
C. Number. One per directional access from a primary street frontage plus one additional directional sign per business.

D. Size and Height. The maximum size of directional signs shall be six square feet. The maximum height for directional signs shall be 42 inches. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.135 Political signs.
A. Political signs that require a building or electrical permit are prohibited.
B. Political signs on private property shall be subject to all applicable permit requirements.
C. Political signs are allowed in all zones.
D. Political signs on private property shall be limited to one sign per street frontage, and shall be no greater than 16 feet in area. (Ord. 1666 § 2, 2006).

17.50.140 Temporary signs.
A. Temporary signs shall conform to MMC 17.50.080.

1. Unless otherwise identified below, the duration of display of a temporary sign shall not exceed 90 days during any 12-month period, unless otherwise noted in subsection B of this section;
2. No flashing temporary signs of any type shall be permitted; however, internally illuminated signs, e.g., portable readerboards, shall be permitted, provided that, unless they conform to the current National Electrical Code and the National Electrical Safety Code;
3. All temporary signs shall be securely fastened and positioned in place so as not to constitute a hazard to pedestrians or motorists;
4. No temporary sign shall project over or into a public right-of-way or property except properly authorized banners over streets installed by the city of Milton.

B. The duration of display for the following temporary signs shall be as follows:

1. Blinking or flashing lights, balloons, banners, searchlights, clusters of flags, strings of twirlers or propellers, flares, and other displays of a carnival nature.
may be displayed during a special event so long as the event does not exceed ten days;

2. Mobile reader boards and off premise signs may be used a reasonable time before a special event;

3. Temporary signs may be placed a reasonable time prior to the event or happening; and

4. Signs permitted by this section must be removed promptly after the event or happening.

1. Grand opening displays including: posters, pennants, banners or streamers, balloons, searchlights, clusters of flags, strings of twirlers or propellers, flares, and other displays of a carnival nature (12-day maximum time period);

2. Lawn signs (30-day maximum time period);

3. Liquidation signs (one week maximum time period);

4. Garage, porch, and patio sale signs (72-hour maximum time period);

5. Yard sale signs (72-hour maximum time period);

6. Real estate signs (30-day maximum time period beyond the date when the property is sold or no longer offered for sale);

7. Off-premises real estate signs (daily, signs may only be posted during the hours of 8:00 a.m. and 6:00 p.m.);

8. Open house signs (72-hour maximum time period);

9. Subdivision signs (30-day maximum time period beyond the date when the final certificate of occupancy has been issued);

10. Construction signs denoting the architect, engineer or contractor, when placed upon the premises while construction work is in progress. Said signs not to exceed 16 square feet in area (30-day maximum time period beyond the date when the certificate of occupancy is issued for the last structure);

11. Nonprofit institutional signs for the purpose of soliciting funds for a capital project on the site. Such signs may not be permitted at the same time as a construction sign (maximum three years from date of permit application).
12. Rooftop balloon signs with a vertical dimension not greater than 25 feet (maximum of one week per calendar year per business);

13. Banners (maximum of six 21-day periods per calendar year);

14. Temporary signs, sports field (maximum of 75 days per calendar year).

15. Political signs shall be removed within seven days after the election, except that a candidate who wins a primary election may continue to display political signs until seven days after the general election. (Ord. 1666 § 2, 2006; Ord. 1649 § 1, 2005; Ord. 1474 § 5, 2001; Ord. 1437 § 1, 2000).

17.50.150 Nonconforming signs

A. A sign is legally nonconforming if it is out of conformance with this code, and:

1. The sign was lawfully erected in compliance with the applicable sign ordinance of the city or county which was effective at the time of sign installation, and a valid permit for such sign exists; or

2. The sign was erected prior to January 1, 1996.

B. A legal nonconforming sign shall be brought into compliance with this chapter or shall be removed if:

1. The sign is abandoned;

2. The sign is damaged in excess of 50 percent of its replacement value, unless such destruction is the result of vandalism or intentional destruction or removal by someone not authorized by the sign owner;

3. The owner seeks to change the sign structure supporting, holding, or surrounding the sign, other than minor maintenance or repair;

4. The tenant-occupant space(s) to which the sign applies is undergoing an expansion or renovation which increases the size of the tenant-occupant space floor area or site coverage by 20 percent or more, or the value of the expansion or renovation exceeds 50 percent of the assessed value of the structure;

5. The building to which the sign applies is demolished. (Ord. 1716 § 1, 2008; Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).
17.50.160 Maintenance of signs.
All signs and landscape, including signs heretofore installed, shall must be constantly maintained in a state of security, safety, and repair. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous (see dangerous signs), it shall be the duty of the owner and/or occupant of the premises on which the sign is not securely, safely and properly maintained or is dangerous is fastened to repair or remove the sign within five working days after receiving notice from the building official. For damaged or disrepair signs in disrepair, it shall be the duty of the owner and/or occupant to repair or remove damaged signs or signs in disrepair the sign within 30 days. The premises surrounding a sign shall must be free and clear of rubbish and the landscaping area free of weeds. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.170 Removal of signs.
A. All signs and sign structures nonconforming in the structural requirements as specified in the international that do not conform to the Construction Building Codes, MMC 15.05, which as a consequence that are a hazard to life and property, or which by their condition or location present an immediate and serious danger to the public, shall must be discontinued or made to conform within the time the building official may specify. In the event the owner of such sign cannot be found or refuses to comply with the order to remove, the building official shall may then have the dangerous sign removed and the owner cited. The cost of removing the sign plus administrative costs will be charged to the property owner.

B. Any person who owns or leases a nonconforming sign shall must remove such sign when the sign has been abandoned.

1. If the person who owns or leases such sign fails to remove it as provided in this section, the building official shall give the owner of the building, structure, or premises upon which such sign is located 60 days' written notice to remove it.

2. If the sign has not been removed at the expiration of the 60 days' notice, the building official may remove such sign at cost to the owner of the building, structure, or premises and

3. Costs incurred by the city of Milton due to removal may be made a lien against the land or premises on which such sign is located, after notice and
Chapter 17.50 SIGN CODE

17.50.180 Deviation from standards.
A. Authority. The land use administrator may grant a deviation from the requirements of this chapter using Process II (Chapter 17.71 MMC). In granting any deviation, the director may prescribe conditions that are necessary to satisfy the criteria below.

B. The land use administrator may grant a deviation from standards from the provisions of MMC 17.50.150(B)(4) requiring the removal of a nonconforming sign because of a change in copy only if the circumstances prompting the deviation from standards request do not result from the actions of the applicant. A change in telephone area code or street name are two examples of potential changes in copy that would not be prompted by the actions of the applicant.

C. The land use administrator may grant a deviation from standards of this chapter only if the applicant demonstrates compliance with the following criteria:

1. The deviation from standards as approved shall not constitute a grant which is inconsistent with the intent of the sign code;

2. That the deviation from standards is necessary because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;

3. That the granting of the deviation from standards will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and in the zone in which the subject property is located;

4. That the special conditions and circumstances prompting the deviation from standards request do not result from the actions of the applicant.
5. That the deviation from standards as granted represents the least amount of deviation from the prescribed regulations necessary to accomplish the purpose for which the deviation from standards is sought and which is consistent with the stated intent of this chapter; and

6. That the granting of the deviation from standards shall result in greater convenience to the public in identifying the business location for which a sign code deviation from standards is sought; and

7. That the granting of the deviation from standards will not constitute a public nuisance or adversely affect the public safety and the proposed deviation from standards shall not interfere with the location and identification of adjacent buildings or activities. (Ord. 1741 § 23, 2009; Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.182 Construction.

1. Not content based. The City recognizes that content-based laws target speech based on its communicative content, they are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. Except where a compelling state interest is involved such as the control of public safety matters, this chapter does not in any way deal with the content of signs other than as expressly stated.

2. Narrowly construed. This Chapter shall be narrowly construed so as to impose the least impingement on free speech and expression as is consistent with the exercise of the police power of the City.

3. No criminal activity permitted. Nothing in this subsection shall be construed as permitting the public display of illegal pornography, or the solicitation for the commission of crimes, or treason.

17.50.185 Signs of Historical Community Significance.

1. A sign may be designated by the City Council as a sign of historical community significance.

2. When a sign of historical community significance is reestablished after a period of absence, the sign shall be restored to its historic appearance, height, and width, in order to be classified as a historically significant. If the...
Signs altered, including but not limited to additional messaging that was not historically present, the sign shall not be considered historically significant.

17.50.190 Penalty for violations.
A. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, move, improve, convert, demolish, equip, or use any sign or sign structure in the city, or cause or permit the same to be done, contrary or in violation of any provisions of this chapter.

B. Any person, firm, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and punishable as set forth in Section 9.04.040, Chapter 1.08 MMC. (Ord. 1666 § 2, 2006; Ord. 1536 § 2, 2002; Ord. 1437 § 1, 2000).

17.50.200 Severability.
If any clause, sentence, paragraph, section or part of this chapter or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgement shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any part thereof to any other person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).
ORDINANCE NO. ______

AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON, RELATING TO SIGNS, AMENDING AND REENACTING CHAPTER 17.50 OF THE MILTON MUNICIPAL CODE; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND FOR SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

WHEREAS, in order to account for the Case of Reed v. Gilbert decided by the United States Supreme Court in 2015, and to make needful changes to the City’s sign regulation it is appropriate to adopt a new sign code based on the recommendation of the Planning Commission and review by the City Attorney,

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 17.20 of the Milton Municipal Code be, and the same hereby is, amended and reenacted to read as follows:

17.50.010 Purpose.

The purpose of this Chapter is to regulate the installation, alteration, relocation, number, size, height, material, and placement of signs within the city. Consistent with the comprehensive plan, the regulation of signs protects the health, safety, and welfare of the citizens. It promotes the aesthetic appearance of the city to maintain and protects the value of property. It encourages quality design that creates an attractive and harmonious community and business environment. It provides businesses with the adequate means to advertise their products and services. It preserves the right of free speech exercised by its citizens.

17.50.020 Definitions.

“Abandoned sign” includes a sign that has not been changed or removed within 180 days of ceasing to be relevant.

“Awning” means any structure made of cloth, metal, or other material with a frame attached to a building. Some awnings can be raised flat against the building when not in use.
“Awning sign” means a sign affixed to the surface of an awning. “Banner sign” means a sign made of cloth, fabric, paper, flexible plastic or material. Banners may contain text, numbers, graphic images or symbols. Pennants and flags are not considered banners.
“Billboard” means an off-premise sign that includes both the structural framework that supports a billboard and any message. Although sometimes smaller, billboard sizes often range from 12 to 14 feet in height and 24 to 48 feet in width.
“Building facade” means the exterior walls of a building exposed to public view or that cannot be viewed by those within the building.
“Canopy” means any structure, other than an awning, made of cloth, metal, or other materials with framework attached to a building or carried by a frame supported by the ground. “Canopy sign” means a sign erected upon, under, against or directly above a canopy.
“Changeable copy sign” means any sign that is designed so that characters, letters, or illustrations can be changed or rearranged by hand without altering the face or the surface of the sign; i.e., reader boards with changeable pictorial panels.
“Dangerous sign” means a sign that by nature of its condition is hazardous to the public’s health, safety, and welfare.
“Display surface” means the area made available by the sign structure for displaying a message.
“Double-faced sign” means a sign that has a message on opposite sides of a single display surface or sign structure. Wedge, round or multifaceted signs are not double-faced signs when determining square footage. Instead, the area of each face of such signs is used when figuring square footage.
“Electrical sign” means a sign or sign structure that uses electrical wiring, connections or fixtures as a part of the sign, but not including signs illuminated by an exterior light source.
“Electronic sign” means a sign designed to allow changes in the sign electronically and includes signs using video or similar displays. “Festoon” means a strip, string or cluster of balloons.
“Flag” means a piece of cloth or other flexible material attachable by one edge to a pole or rope.
“Flag, Feather” is a flag supported on a vertical pole, arched or right angled at the top to keep the flag open. Feather Flags are temporary signs.
“Flashing sign” means a sign or a portion thereof that changes light intensity or switches on and off, contains motion or the optical illusion of motion by use of electrical energy.
“Freestanding letters” means individual letters, characters or marks comprising any portion of a sign or sign structure, whether erected flat against a wall or upon a framework for support.
“Freestanding sign” means a sign supported by poles, uprights, braces, or standards and is not connected to or supported by any other structure. Pole signs and monument signs are examples of freestanding signs.
“Freeway sign” means a pole or monument sign that is allowed by code for those properties that are located along the Interstate 5 (I-5) right-of-way as defined in 17.50.085. “Freeway signs” are specifically oriented to the traffic on the interstate rather than other state or local roadways.
“Grade” means the elevation or level of the street (or parking lot) closest to the sign to which reference is made, as measured at the street centerline, or the relative ground level in the immediate vicinity of the sign.

“Marquee” means a permanent structure attached to, supported by and projecting from a building, especially a theater or hotel, or free standing that provides protection from the weather elements. This does not include a projecting roof but does include canopies.

“Marquee sign” means a sign attached to and made part of a marquee.

“Monument sign” means a ground-mounted, fixed sign.

“Multiple occupancy building” means a single structure with a common building access that houses more than one business, office or venture.

“Mural” means is a work of art painted or applied to a wall of a building or other structure.

“Off Premise sign” means a sign concerning matters unconnected with the property upon which the sign is located.

“Parapet” means that portion of a building wall that extends above the roof of the building.

“Pennant” means a sign made of cloth, fabric, flexible plastic, or similar types of material that does not contain text, numbers, images or symbols.

“Permanent sign” means a sign that is erected without restriction on the time allowed for display.

“Permittee” includes any person who should have taken out a permit under this Chapter or MMC 15.05.

“Planned center” means a group of structures housing at least one business, office, venture or independent or separate part of an activity that was processed through the site approval process as one project or that shares access or parking facilities. Individual parcels need not be under the same ownership to qualify as a planned center.

“Pole sign” means any sign, electric or otherwise, hung, supported or cantilevered from one or more supports constructed of structural steel, pipe, or other materials.

“Portable sign” means any sign that is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support constructed without wheels is converted to an A or T frame sign, or attached temporarily or permanently to the ground, since this characteristic is based on the design of such a sign. Portable signs are usually changeable copy signs.

“Reader board” means a sign that allows for frequent changes of copy. A reader board may be a component of a monument, pole, or wall sign.

“Reader board, mobile” means a reader board sign that is not permanently installed on-site.

“Repair” means to paint, clean, replace damaged parts, or improve the structural integrity of a sign, but not change its size, shape, location, or character.

“Revolving sign” means any sign or sign structure that revolves or partially revolves about an axis.

“Roof” means the exterior surface and its supporting structures on the top of a building. Overhangs extending beyond the facade of the lower wall are part of the roof.

“Roof sign” means any sign erected upon, against, or directly above a roof or parapet of a building or structure. When permitted, eighty percent of the sign area must be backed by the roof system.
“Sandwich board signs” means small signs, either single- or double-faced and portable.
“Sign” means any object, device, display, structure or part thereof that is used to advertise, identify, direct, or attract attention to a product, business, activity, place, person, institution, or event using words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.
“Sign area” means the area of a sign on which information is placed. Display surface, structures and associated architectural embellishments, framework and decorative features that contain no information and are not illuminated are not calculated in determining sign area. Sign area is calculated by measuring the area of the smallest rectangle, circle, triangle or parallelogram that can be drawn around all parts of the sign to expose the largest display surface, including the background, all spaces and voids between or within letters or symbols that comprise a single word, statement, description, title, name, graphic symbol, or message on the display surface. Sign supporting structures that are part of the sign display are excluded. The “display surface” includes the sign area and the entire perimeter area upon which the letters, graphics, symbols, and framework can be placed but it excludes structures and associated architectural embellishments, framework and decorative features that contain no information.
“Sign graphics” includes all lines, strokes, text, symbols and logos applied to a sign surface excluding the background to which they are applied.
“Sign height” means the vertical distance measured from the adjacent natural grade at the base of the sign to the highest point of the sign structure.
“Sign structure” means any structure that supports or can support any sign as defined in this Chapter. A sign structure may be a single pole and may or may not be an integral part of a building. Any structure that performs an entirely separate use, such as a telephone booth, bus shelter, Goodwill container, fence, etc., is not a sign structure.
“Snipe sign” means an off-premise sign placed on street furniture or the supports thereof. Snipe signs do not include government signs, traffic control devices and specifically authorized signs.
“Street Furniture” is a collective term for objects and pieces of equipment installed along streets and roads for various purposes and is considered government property. It includes benches, traffic barriers, bollards, post boxes, phone boxes, streetlamps, traffic lights, traffic signs, bus stops, taxi stands, public lavatories, fountains, fences, memorials, public sculptures, and waste receptacles.
“Supports” means any structure that’s main purpose is to hold a sign, light, power line, low voltage line, or any other government controlled device, e.g. utility poles.
“Temporary sign” means any sign that is not permanently mounted and that contains a message for an event or happening that will render the sign obsolete upon the event or happening.
“Traffic control device” means a sign to control traffic placed in accord with the Manual for Uniform Traffic Control Devices.
“Unlawful sign” means any sign that was erected in violation of any applicable ordinance or law governing such sign or its construction at the time of its placement and that does not comply with all applicable ordinances or laws now.
“Vision clearance area” means an area of unobstructed sight distance as defined by MMC 17.44.060 or as otherwise required by law.
“Wall plane” includes that portion of a facade that is contained on one general plane. A single wall plane may contain windows and doors but it is generally a solid surface. The fascia of
projecting porches or colonnades may be considered part of the wall plane from which the porch or colonnade projects in calculating signage area.

“Wall sign” means 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. Signs incorporated into mansard roofs, marquees, or canopies will be treated as a sign attached to a building.

17.50.030 Administration and enforcement.

A. Anyone installing or altering a temporary or permanent sign must obtain a sign permits unless specifically exempted by MMC 17.50.070. The sign must comply with all city codes. The land use administrator will issue all permits for the construction, alteration, and erection of signs in accord with the provisions of this Chapter and other applicable laws.

B. The land use administrator, or code enforcement officer, of the city of Milton will interpret and enforce this Chapter. In addition to complying with the provisions of this Chapter of the zoning code, the materials, structural design, construction, inspection, and maintenance requirements for signs must comply with the Construction Codes administered by the public works department and the current National Electrical Code and the National Electrical Safety Code.

17.50.040 Permits required.

A. It is unlawful for any person to erect, re-erect, construct, enlarge, display, alter or move a sign, or cause the same to be done, without first obtaining a permit for each sign from the land use administrator.

B. A permit is required for signs installed simultaneously on a single supporting structure. Thereafter, each additional sign erected on the structure must have a separate permit.

C. No permit is required for an exempt sign or any sign not specifically regulated by this Chapter.

D. No additional permit is needed to repaint, clean, repair, otherwise perform normal maintenance on a sign or sign structure, or change copy on a changeable copy sign.

17.50.050 Permit application requirements.

To obtain a sign permit, the applicant must make application in writing on forms furnished by the public works department. Every application for a permanent sign must include the following:

A. Contact information, if desired, by the permittee.
B. Identification and description of the sign including the type, size, dimensions, height, and number of faces;
C. Description of the land where the proposed sign is to be located by street address;
D. Consent of the owner or person in legal possession of the property upon which the sign is to be erected or his agent;
E. Sign drawings showing display faces with the proposed message and design accurately represented as to size, area, and dimensions;
F. Site plan drawn to scale containing a north arrow, location of property lines, lot dimensions, location of existing signs, and the location of the proposed sign on the site;
G. Plans, elevations, diagrams, light intensities, structural calculations and other material as may be reasonably required by the land use administrator;

H. If the sign application is for a freestanding sign that proposes a footing, a building permit is required;

I. Documentation demonstrating that the sign installer has a valid Washington State contractor’s license when a sign requires a building permit unless the sign is being installed by the owner of the sign;

J. Application for an electrical permit from the city of Milton or other electric provider for any electrical sign;

K. A permit fee as adopted in the latest fee ordinance of the city council;

L. Proof that a city of Milton business license has been obtained by the sign installation contractor and the company that is utilizing the permitted sign if the company utilizing the permitted sign is required to obtain a business license.

17.50.060 Prohibited signs.

Unless otherwise permitted, the following signs are not allowed in any zoning district:

A. Signs that pose a hazard to public health or safety other than because of the message delivered;

B. Signs that make use of words such as “Stop,” “Look,” “One-Way,” “Danger,” “Yield,” “Slow, Children at Play,” “Detour,” “Road Construction” or any similar word, phrase, symbol, or lights that interfere with or are confused with pedestrian or vehicular public safety signs as identified in the Manual on Uniform Traffic Control Devices (MUTCD) but which are not placed by the public authority and are not in compliance with the MUTCD or applicable laws and regulations;

C. Signs displaying obscene matter. Matter is obscene as described in RCW 7.48A.010 Moral Nuisances.

D. Signs that obstruct ingress or egress from fire escapes, doors, windows, or other exits or entrances;

E. Signs placed on vehicles or trailers that are parked or located for the primary purpose of displaying the sign unless otherwise specifically allowed by this Chapter (this does not apply to allowed portable signs or to signs or lettering on buses, taxis, or vehicles operating during the normal course of business and excludes signs to advertise the sale of said vehicle);

F. Off-premises signs;

G. Rotating and revolving signs;

H. Signs containing strobe lights that are visible beyond the property line;

I. Abandoned signs;

J. Permanent signs on undeveloped sites;

K. Outdoor, portable electric signs;

L. Mobile reader board signs except as permitted under MMC 17.50.140 as temporary signs;

M. Snipe signs;

N. Blinking or flashing lights, balloons, searchlights, clusters of flags, strings of twirlers or propellers, flares, and other carnival like displays except as approved as temporary signs under MMC 17.50.140;

O. Banners except as approved as temporary signs under MMC 17.50.140;
P. Unauthorized signs located on government property;
Q. No sign may be used as a fence nor may any fence be used as a sign nor may any sign be attached to a fence, but a temporary sign may be attached to a fence;
R. Billboards; and
S. Any other type or kind of sign that does not comply with the terms, conditions, provisions, and intent contained in this Chapter or other applicable law or ordinance.

17.50.070 Exempt signs.

The following signs do not require a permit for installation. All other provisions of this Chapter apply.
A. Legal notices, identification, traffic, or other signs erected or required by governmental authority under any law, statute or ordinance;
B. Signs erected or sanctioned by a government agency;
C. Historic site markers, plaques, or gravestones and signs on or eligible for listing on federal or state historic registers are excluded from this provision;
D. Address numbers, identification;
E. Signs not oriented or intended to be legible from a right-of-way or other property.
Examples may include signs identifying rules for a swimming pool, signs identifying restroom facilities, parking regulations and tow-away signs;
F. Painted wall decorations or murals;
G. National, State and City Flags; and
H. Locally designated historic signs. The Milton Light and Water sign located on the western building elevation of the Public Works Building at 1000 Laurel Street has been identified as a sign of locally important historical significance. (Ord. 1666 § 2, 2006; Ord. 1437 § 1, 2000).

17.50.080 General provisions.

A. Total Sign Area:

1. For uses in which the building frontage is less than or equal to 100 feet long, the maximum area for all signs shall not exceed 200 square feet.
2. For uses in which the building frontage is more than 100 feet, the maximum area for all signs shall not exceed two square feet per lineal foot of building frontage, or 450 square feet, whichever is less.
3. For multiple occupancy buildings, an additional 50 square feet of wall signage may be displayed for no more than two building occupants (other than in addition to the primary tenant), subject to the provisions of MMC 17.50.110.

B. Signs must comply with all applicable regulations. If a sign is regulated by more than one regulation, e.g. a temporary sign in the right-of-way, then the sign must comply with all the regulations applicable to the sign unless otherwise provided.
17.50.083 Signs in the right-of-way.

A. Except for traffic control devices, Sandwich board signs, temporary signs, temporary construction signs associated with work within the public right-of-way, and properly authorized banners (see MMC 17.50.140), no signs may be erected or placed within the public right-of-way. Sandwich board signs, temporary signs may be placed in the right-of-way outside of median strips, public sidewalks, and vehicular and bicycle lanes and must provide at least four feet of unobstructed sidewalk. They may not block driveways or be affixed to utility poles, trees, or traffic control devices, and may not block vision clearance areas.

B. Vision Clearance Area. Pole signs are permitted in the vision clearance area where the bottom of the sign is at least 10 feet above the elevation of the street grade.

C. Vehicle Area Clearances. When a sign extends over a private area where vehicles travel or are parked, the bottom of the sign structure must be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and maneuvering areas. Exceptions are prohibited.

D. Pedestrian Area Clearances. When a sign extends over a walkway or other space accessible to pedestrians, the bottom of the sign structure must be at least eight feet above the ground. Exceptions are prohibited.

17.50.085 Freeway signs.

Freeway signs are located along and specifically oriented toward traffic on I-5.

A. Maximum Number and Spacing.
   1. RS, RMD, RM, MX, CF, OS: Zero.
   2. B, M-1: One per parcel or one per planned center when the parcel or planned center directly abuts the I-5 right-of-way. The parcel or planned center must be a minimum of 12,000 square feet in area, or have been legally created prior to January 1, 2003, in order to erect a freeway sign. The freeway sign is in addition to other allowed signage, it must be located along the side of the property nearest I-5, and it must be oriented toward I-5.

B. Size Allocation.
   1. RS, RMD, RM, MX, CF, OS: Does not apply.
   2. B, M-1: Up to a maximum sign area of 125 square feet. No display surface may exceed 250 square feet.

C. Maximum Height.
   1. RS, RMD, RM, MX, CF, OS: Does not apply.
   2. B, M-1: 40 feet.

D. Landscape and Siting Requirements. Freeway signs must be located in a planting bed of equal area to the area of the sign. The planting bed may be included within the planting strips required under MMC 17.15C, Landscape regulations table. The minimum dimension of the planting bed must be 10 feet measured from inside face of the curb to inside face of curb. The planting beds will be improved with the following:
   1. One gallon groundcover planted 12 inches on center; and
   2. One shrub per 10 square feet of sign area. Shrubs located within the vision clearance area may not be taller than 36 inches. (Ord. 1666 § 2, 2006; Ord. 1563 § 2, 2003).
17.50.090 Pole signs.

Pole signs are an alternative to monument signs for planned centers.
A. Maximum Number and Spacing.
   1. RS, RMD, RM, MX: Zero.
   2. B, CF, M-1, OS: One center identification sign per parcel.
B. Size Allocation.
   1. RS, RMD, RM, MX: Does not apply.
   2. B, CF, M-1, OS: Maximum sign area of 100 square feet. No display surface may exceed 200 square feet.
C. Maximum Height.
   1. RS, RM, RMD, MX: Does not apply.
   2. RM: 12 feet.
D. Landscape and Siting Requirements. Pole signs must be located in a planting bed of equal area to the area of the sign. The planting bed may be included within the planting strips required under MMC 17.15C, Landscape regulations table. The minimum dimension of the planting bed must be five feet measured from inside face of curb to inside face of curb. The planting beds will be improved with the following: 1. One gallon groundcover planted 12 inches on center; and 2. One shrub per 10 square feet of sign area. Shrubs located within the vision clearance area may not be taller than 36 inches.

17.50.100 Monument signs.

Monument signs with a height ranging from five to 12 feet above the average ground elevation, and a base (not included in the sign surface area calculation) that is attached to the ground as a wide base of solid construction so that the bottom of the sign is no more than six inches above the base are the preferred sign type along street frontages.
A. Maximum Number.
   1. RS, RMD, MX: Zero for residential uses; one per street frontage for permitted or conditionally permitted nonresidential uses. One subdivision identification sign is permitted per subdivision.
   2. RM: One per street frontage.
   3. B, CF, M-1, OS: One per street frontage. For extended street frontage, one sign per vehicle entrance at least 250 feet apart.
B. Size Allocation.
   1. RS, RMD, MX: Maximum 64 square feet for permitted or conditionally permitted uses; except for a subdivision identification sign which may be a maximum of 36 square feet.
   2. RM: 64 square feet.
   3. B, CF, M-1, OS: Minimum of 32 square feet up to a maximum sign area of 48 square feet. No display surface may exceed 96 square feet.
C. Maximum Height.
   1. RS, RMD, MX: Eight feet.
   2. RM: 12 feet.
3. B, CF, M-1, OS: 12 feet.

D. Landscape and Siting Requirements. Monument signs must be located in a planting bed of equal area to the area of the sign. The planting bed may be included within the planting strips required under MMC 17.15C, Landscape regulations table. The minimum dimension of the planting bed must be five feet measured from inside face of curb to inside face of curb. The planting beds will be improved with the following:
   1. One gallon groundcover planted 12 inches on center; and
   2. One shrub per 10 square feet of sign area. Shrubs located within the vision clearance area may not be taller than 36 inches.

E. Indirect Lighting. Monument signs, where permitted in residential zones (RS, RMD, RM), may only be illuminated from an indirect source.

F. When Not Allowed. A monument sign is not permitted if existing signs attached to buildings exceed the limit of 15 percent of the wall area.

17.50.110 Signs attached to buildings.

Awning, fascia, marquee, roof, and wall signs are permitted signs for attachment to buildings. Signs attached to buildings are permitted on wall elevations that are viewable from public rights-of-way or on wall elevations containing public entrances to the building.

A. Maximum Number. No limit within the size allocation. A limit of one roof sign per wall elevation viewable to the public (see roof sign definition). Multiple occupancy buildings may display one additional wall sign for each additional occupant, subject to the maximum area per sign described in subsection C of this section.

B. Size Allocation.
   1. RS, RMD: Four square feet or 10 percent of the wall area, whichever is greater.
   2. RM: Eight square feet.
   3. MX: 48 square feet or 15 percent of the wall area, whichever is greater.
   4. B, CF, M-1, OS: 48 square feet or 15 percent of the wall area, whichever is greater.

C. Maximum Area per Sign.
   1. RS, RMD: 32 square feet per sign (roof signs are prohibited).
   2. RM: Eight square feet (roof signs are prohibited).
   3. MX: 100 square feet (each roof sign may be a maximum of 24 square feet, where no display surface may exceed 48 square feet). For multiple occupancy buildings, the individual building occupant signs allowed by subsection A of this section may not exceed 25 square feet of display surface.
   4. B, M-1: 200 square feet (each roof sign may be a maximum of 24 square feet, where no display surface may exceed 48 square feet). For multiple occupancy buildings, the individual occupant signs allowed by subsection A of this section may not exceed 25 square feet of display surface.
   5. CF, OS: 100 square feet (each roof sign may be a maximum of 24 square feet, where no display surface may exceed 48 square feet).
   D. Wall signs may not exceed 12 inches in thickness.

E. Illumination. The illumination of signs shall not interfere with traffic, traffic control devices or the signs of others. Signs on awnings or canopies may not be illuminated internally if the light illuminates other than the sign.
17.50.120 Sandwich board signs.

A. Maximum Number.
   1. RS, RMD, RM: Zero.
   2. B, CF, M-1, MX, OS: One per one hundred feet of frontage.

B. Size Allocation.
   1. RS, RMD, RM: Does not apply.
   2. B, CF, M-1, MX, OS: 12 square feet.

C. Maximum Height.
   1. RS, RMD, RM: Does not apply.
   2. B, CF, M-1, MX, OS: Four feet.

D. No Obstruction. Sandwich board signs must be placed so they do not obstruct the passage or view of vehicles or pedestrian on or entering the public way.

E. Duration. A Sandwich board sign is permitted to remain in place only so long as it is providing immediately useful information. MMC 17.50.140 applies to sandwich boards that are also temporary signs.

17.50.140 Temporary signs.

A. Temporary signs must conform to MMC 17.50.080.
   1. No flashing temporary sign of any type is permitted; however, internally illuminated signs, e.g., portable reader boards, are permitted if they conform to the current National Electrical Code and the National Electrical Safety Code;
   2. All temporary signs must be securely fastened and positioned in place so as not to constitute a hazard to pedestrians or motorists;
   3. No temporary sign may project over or into the traveled portion of a street, sidewalk or way except properly authorized banners installed by the city of Milton.
   4. Temporary signs may not be within 300 feet along the same street frontage of any other temporary sign providing the same information or having the same owner.

B. The duration of display for the following temporary signs shall be as follows:
   1. Blinking or flashing lights, balloons, banners, searchlights, clusters of flags, strings of twirlers or propellers, flares, air dancers and other carnival like displays may be displayed before and during an event so long as the display does not exceed thirty days within any 90-day period;
   2. Mobile reader boards, fence signs and off premise signs may be used a reasonable time before and during an event;
   3. Temporary signs may be placed a reasonable time prior to the event or happening;
   4. Yard signs not exceeding 24 inches by 36 inches are permitted in all residential zones for not more than 90 days in a calendar year; and
   5. Signs permitted by this section must be removed promptly after the event or happening and in no event more than two days after the event or happening.

C. The duration of displays in Business and Industrial zones west of Interstate 5.
   1. The temporary signs described in this section may be extended by permit under 17.50.180 in B and M-1 zones west of Interstate 5 for indefinite periods so long as the sign in not a permanent sign.
2. In applying for a Deviation under this subsection, only the criteria in 17.50.180 C. 3, 5 and 6 need be met.
3. Signs under this subsection have no nonconforming rights.

17.50.145 Uptown Standards.

A. This section applies only to the Uptown District. The specific regulations in this section apply only to Uptown District but do not supplement or otherwise effect any other regulation in this Chapter.
B. Portable, Temporary and Sandwich Board signs are not allowed on the sidewalks, and no more than one such sign per 100 feet of frontage is allowed. A permit is required for portable signs. There is no fee for the permit for Temporary Signs.
C. Air dancers and feather flags are not permitted.
D. Perpendicular Wall Signs. Perpendicular signs are permitted for pedestrian traffic, but may not exceed four square feet.
E. Monument or Freestanding Signs are required for all separate structures.

17.50.150 Nonconforming signs.

A. A sign is legally nonconforming if it is out of conformance with this code and was lawfully erected in compliance with the applicable sign ordinance of the city or county that was effective at the time of sign installation, and a valid permit for such sign exists.
B. A legal nonconforming sign must be brought into compliance with this Chapter or removed if:
   1. The sign is abandoned;
   2. The sign is damaged more than 50 percent of its replacement value, unless such destruction is the result of vandalism or intentional destruction or removal by someone not authorized by the sign owner;
   3. The owner seeks to change the sign structure supporting, holding, or surrounding the sign, other than minor maintenance or repair;
   4. The occupant space(s) to which the sign applies is undergoing an expansion or renovation that increases the size of the occupant space floor area or site coverage by 20 percent or more, or the value of the expansion or renovation exceeds 50 percent of the assessed value of the structure;
   5. The building to which the sign applies is demolished; or
   6. The sign is more than 20 years old.

17.50.160 Maintenance of signs.

All signs and landscape, including signs heretofore installed, must be constantly maintained in a state of security, safety, and repair. The owner or occupant of the premises on which any sign is not securely, safely and properly maintained or is dangerous must repair or remove the sign within five working days after receiving notice from the building official. The owner or occupant must repair or remove damaged signs or signs in disrepair within 30 days. The premises surrounding a sign must be free and clear of rubbish and the landscaping area free of weeds.
17.50.170 Removal of signs.

A. All signs and sign structures that do not conform to the Construction Codes, MMC 15.05, that are a hazard to life and property, or that by their condition or location present an immediate and danger to the public, must be discontinued or made to conform within the time the building official may specify. If the owner cannot be found or refuses to comply with the order to remove, the building official may then have the dangerous sign removed and the owner cited. The cost of removing the sign plus administrative costs will be charged to the property owner.

B. Any person who owns or leases a nonconforming sign must remove the sign when it has been abandoned.

C. If the permittee has not identified himself, the City may remove any sign once it has ceased to be relevant, if it should be removed under this section or if the City might have requested the permittee remove it.

17.50.180 Deviation from standards.

A. Authority. The land use administrator may grant a deviation from the requirements of this Chapter using Process II (MMO 17.71). In granting any deviation, the director may prescribe conditions that are necessary to satisfy the criteria below.

B. Nonconforming signs. The land use administrator may grant a deviation from standards from the provisions of MMC 17.50.150(B)(4) requiring the removal of a nonconforming sign because of a change in copy only if the circumstances prompting the deviation from standards request do not result from the actions of the applicant. A change in telephone area code or street name are two examples of potential changes in copy that would not be prompted by the actions of the applicant.

C. Standards. The land use administrator may grant a deviation from standards of this Chapter only if the applicant demonstrates compliance with the following criteria:

1. The deviation from standards as approved does not constitute a grant that is inconsistent with the intent of the sign code;

2. The deviation from standards is necessary because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;

3. The granting of the deviation from standards will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and in the zone in which the subject property is located;

4. The special conditions and circumstances prompting the deviation from standards request do not result from the actions of the applicant;

5. The deviation from standards as granted represents the least amount of deviation from the prescribed regulations necessary to accomplish the purpose for which the deviation from standards is sought and that is consistent with the stated intent of this Chapter; and

6. The granting of the deviation from standards will not constitute a public nuisance or adversely affect the public safety and the proposed deviation from standards does not interfere with the location and identification of adjacent buildings or activities.
D. Other considerations. The land use administrator will grant deviations that are necessary to comply with MMC 17.50.182. The administrator will also consider deviations necessary to harmonize a sign with any associated structures of a recognized architectural style whether new construction or an existing structure.

17.50.182 Construction.

A. Not content based. The City recognizes that content-based laws target speech based on its communicative content, they are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. Except where a compelling state interest is involved such as the control of public safety matters, this Chapter does not in any way deal with the content of signs other than as expressly stated.

B. Narrowly construed. This Chapter shall be narrowly construed to impose the least impingement on free speech and expression as is consistent with the exercise of the police power of the City.

C. No criminal activity permitted. Nothing in this subsection shall be construed as permitting the public display of illegal pornography, or the solicitation for the commission of crimes or treason.

17.50.185 Signs of Historical Community Significance.

A. A sign may be designated by the City Council as a sign of historical community significance.

B. When a sign of historical community significance is reestablished after a period of absence, the sign must be restored to its historic appearance, height, and width to be classified as a historically significant. If the sign is altered, including but not limited to additional messaging that was not historically present, the sign will not be considered historically significant.

17.50.190 Penalty for violations.

A. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, move, improve, convert, demolish, equip, or use any sign or sign structure in the city, or cause or permit the same to be done, contrary or in violation of any provisions of this Chapter.

B. Any person, firm, or corporation violating any of the provisions of this Chapter shall be guilty of a misdemeanor and punishable as set forth in MMC 9.04.040.

17.50.200 Severability.

If any clause, sentence, paragraph, section or part of this Chapter or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgement shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any part thereof to any other person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.
Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall take effect thirty (30) days after passage and publication of an approved summary thereof consisting of the title.

Passed by the Milton City Council the __ day of ____________, 2018, and approved by the Mayor, the __ day of ____________, 2018.

SHANNA STYRON SHERRELL, MAYOR

ATTEST/AUTHENTICATED:

__________________________
KATIE BOLAM, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY ____________________________
WILLIAM L. CAMERON, CITY ATTORNEY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. __________________
SUMMARY OF ORDINANCE NO. ______

of the City of Milton, Washington

On the _____ day of _____, 2018, the City Council of the City of Milton, passed Ordinance No. ______. A summary of the content of said ordinance, consisting of the title, provides as follows:

[Paste Title of Ordinance]

The full text of this Ordinance will be mailed upon request.

DATED this _____ day of _________________, 2018.

Katie Bolam, CITY CLERK