



CITY COUNCIL MEETING AGENDA
Council Chambers, 1000 Laurel Street

February 12, 2018
Monday

Study Session
7:00 p.m.

- 1. Call to Order**
- 2. Roll Call of Council Members**
- 3. Study Items**
 - a. Position Reclassifications – Establishing an Asset Management Program**
 - b. Ordinance – Sign Code Update**
- 4. Adjournment**

Note: Public comment is generally not taken at Study Sessions. However, on some occasions, public comments may be allowed at the discretion of the Mayor. The public may also submit written communications, via letters or emails to info@cityofmilton.net. Any item received by noon on the day of the meeting will be distributed to Council.

If you need ADA accommodations, please contact City Hall at (253) 517-2705 prior to the meeting. Thank you.



[Back to Agenda](#)

To: Mayor Styron Sherrell and City Council Members
From: Steve Peretti, Municipal Services Administrator
Date: February 12, 2018
Re: **Reclassified Positions – Establishing an Asset Management Program**

ATTACHMENTS: Job Description – Asset Management Technician II
Job Description – Asset Management Technician I

TYPE OF ACTION:

Information Only Discussion Action Public Hearing Expenditure

Recommended Action: Review proposed program

Fiscal Impact/Source of Funds: Some increase in wages would be distributed amongst all the Public Works funds.

Issue: The City’s Public Works senior staff have discovered over the last year that there is much efficiency to be wrought by pulling the management of all of the department’s assets under one umbrella. This includes infrastructure assets such as streets and poles, technical assets such as meters and switches, and also includes the supplies and services that support the overall department. In a phrase, this is Asset Management, and with the advent of an increasingly computerized world, it is the way utilities especially are better servicing their customers.

As you know, the City has undergone the recent implementation of Cartegraph asset management software. This has been of tremendous value to the City, and it is only in its infancy. It has become apparent that the City needs to assign some specific complex technical work to a position, as well as some technical assistance work.

Proposal: Fortunately, the City has in its ranks personnel uniquely suited to fill the needed roles as we’ve identified them:

1. Asset Management Technician II – Bringing together the trend toward asset management with the implementation of Cartegraph and the highly skilled work of our current Meter Technician, Ron Duncan, we are proposing a reclassification of the Meter Technician position to an Asset Management Technician II. Mr. Duncan has shown high proficiency in all aspects of both meter technology and the asset management software, as well as expertise in understanding the thought processes surrounding the work. He has been a valuable resource in implementing Cartegraph, acting as trainer among the Public Works crews, and he has completed over 100 hours of associated training.
2. Asset Management Technician I – The City currently employs a Maintenance Worker II in our Parks and Facilities division, Brent Thompson. The work of this position has

shifted much over time, and the job description no longer fits with the work performed. In addition to assisting our Meter Tech in the asset management and meter technician arenas, he is beginning to take on the purchasing and procurement of supplies and services for the Department. Therefore, we are proposing a reclassification of this Maintenance Worker II position to an Asset Management Technician I.

The City has met with the IBEW union representative and discussed these reclassifications, job descriptions and pay scales, and this proposal reflects those talks.



POSITION DESCRIPTION

Job Title	Asset Management Technician I
Department	Public Works
Representation	IBEW 483 (International Brotherhood of Electrical Workers)
Compensation	Range 17
Status	Non-exempt

GENERAL PURPOSE

This is basic field-based data collection work using traditional and modern technologies in support of infrastructure asset management. The position also maintains inventory and processes purchasing for Public Works divisions. An employee occupying this position is responsible for performing independent and responsible field work using technologies for data collection and basic operation of computerized maintenance management systems.

SUPERVISION

This position performs under the general direction of the Mayor or Designee, and the direct supervision of the Public Works Operations Superintendent. The position takes some direction from the Asset Management Technician II, and does not lead or supervise other staff.

Incumbents receive direct supervision but are expected to exercise initiative and judgment in carrying out assignments according to established standards, policies and procedures. Work assignments are reviewed while in progress and upon completion by an administrative supervisor.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Although the primary duties of the Asset Management Technician I are listed below, the omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to this position. Primary duties include but are not limited to:

- Collect field data of various kinds related to the management of infrastructure assets.
- Update and maintain paper and computerized files, records, and databases; and retrieve reports, drawings, and maps.
- Utilize GIS software, mobile technologies and asset management software systems, computers and other technology to input and retrieve information.
- Make mathematical calculations, compile data, and compute quantity and estimates.
- Locate assets on appropriate maps or construction plans; interpret notations on maps.
- Inspect assets to record relevant data as assigned.
- Performs routine procurement functions, including timely and cost-effective purchase and contracting of a wide range of supplies and services for Public Works divisions.
- Issue requests for quotes/informal bids for standard or routine purchases, including regular inventoried goods in City warehouses; obtain competitive pricing and written or verbal quotes as necessary.
- Research and resolve problems, errors or discrepancies with purchase requisitions,

purchase orders, contracts, authorizations, or other transactions; coordinate with other city departments and personnel as needed.

- Executes procurement actions in compliance with City policy, procedures, code and law.
- Prepares basic specification documents and contracts to purchase supplies and services.
- Updates and completes service requests received from citizens and other City departments as assigned.
- Traverses assigned routes and takes readings of electrical and water meter dials; records readings on meter cards and/or inputs data into hand-held micro computing device to provide needed information for utility billing or other related action.
- Rechecks meter readings as assigned to determine abnormal consumption patterns and analyze possible causes for fluctuation or consumption.
- Assists with maintenance and repair functions on meters; assists with replacing defective meters and testing meters for accuracy, as assigned.
- Become proficient at locating electric and water system.
- Performs delivery of door-hangers.
- Remains current with all meter systems and safety practices.
- Maintains utmost confidentiality as to city matters in dissemination of duties.
- Maintains assigned tools and equipment and is issued a City vehicle.
- Maintains appropriate behavior, appearance (as appropriate for position) and performance.
- Must be oriented toward community service.
- Promotes positive public relations and provides support to the City as a department team member.
- Removes remains of deceased animals from City roads and/or right of ways and dispose of properly per OSHA/WISHA and other such safety regulations.
- Performs other duties as assigned, including but not limited to performing general labor and working with a variety of small tools.

MINIMUM QUALIFICATIONS

Graduation from high school or GED equivalent, and

- Three years in public infrastructure environment, and
- Certification and/or completion of training coursework in asset management systems, or
- Three years in purchasing or procurement, or
- An equivalent combination of education and experience

PREFERRED QUALIFICATIONS

- Post-secondary training or two-year degree/certificate in Engineering Technology, Applied Geography, Geographic Information Systems, or related field
- College level math ability
- Basic working knowledge of utility systems
- Experience with work order systems and field devices for Android and iOS tablet devices and GPS devices
- Basic technical knowledge and understanding of asset management criteria and GIS mapping systems.

Necessary Knowledge, Skills, and Abilities:

Knowledge of:

- Lower level statistical analysis methods.
- Lower level mathematics including algebra and trigonometry.

- Procurement best practices, negotiations and techniques as related to municipal purchasing.
- General knowledge of purchasing rules and procedures.
- Terminology, principles and equipment used in infrastructure asset management including how infrastructure is maintained, operated, and preserved.
- Infrastructure inventory, condition assessment, risk assessment, and preservation methods and procedures.
- Applicable state and federal laws, regulations and ordinances.

Skill in:

- Numerical data and product specification evaluation.
- Conflict resolution.
- Effective work organization and planning.
- Computer software programs and instrumentation currently utilized for the work performed.

Ability to:

- File records and other materials alphabetically, numerically or by other predetermined classifications.
- Become familiar and keep current with asset management methods and practices.
- Use a personal computer and other technology to implement asset management systems.
- Interpret and utilize plans, maps, and reports.
- Establish and maintain effective working relationships with fellow employees and the general public; ability to maintain a courteous attitude even in stressful and unpleasant situations.
- Understand, follow and execute moderately complex oral and written instructions.
- Use independent judgment in completing assignments.
- Make field measurements and complete calculations using computers or calculators.
- Work outdoors for extended periods of time in all types of weather conditions.
- Bend, stoop, climb, work at heights, and walk on uneven terrain.
- Understand and follow written and verbal instructions.
- Physically perform the essential job functions of the classification.
- Meet the travel requirements of the position.
 - Establish and maintain effective work relationships with elected officials, department heads, associates, and with the general public.
 - Work effectively and productively with others.
 - Communicate effectively verbally and in writing to audiences of various social, cultural, ethnic, educational and economic backgrounds.
 - Effectively coordinate, perform and complete multiple duties and assignments concurrently and in a timely manner

Licensing and Other Requirements: Must have and maintain a valid Washington State Driver's License with CDL Class B certification with Air endorsement, or obtain this certification within 12 months of hire; must possess or obtain a flagging and traffic control certification within 90 days of hire; and must be certified in CPR and First Aid, or obtain certification within 90 days of hire. Must be able to respond to overtime requests and be on-call.

Tools and Equipment Used: Personal computer with programs including but not limited to Microsoft Outlook, Word, spreadsheets in Excel and specialty software including Cartegraph, Flex Net, Sensus, and BIAS, calculator, phone, radio, fax and copy machine, motorized vehicles and equipment including pickup, generator, saws, and various common hand and power tools.

Work Environment/Physical Demands: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. This position must be able to walk for long periods of time and occasionally over rough terrain. This position may be frequently exposed to inclement weather, hostile customers, dogs and other animals.

While performing the duties of this job, the employee is required to reach with hands and arms. The employee constantly is required to stand, walk, and use hands to finger, handle, feel or operate objects, tools, or controls. The employee is required to sit in a vehicle, climb and balance. The employee must occasionally lift and/or move up to 40 pounds. Specific vision abilities required by this job include close vision, distant vision, and the ability to adjust focus. The noise level in the work environment is usually moderately loud when in the field.

This description was prepared to indicate the general nature, kinds of activities, and levels of work difficulty typically required. It is not designed to contain or be interpreted as a comprehensive inventory of all duties, responsibilities, and/or qualifications required of employees assigned to this position. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or is a logical assignment to the position. Individuals may perform other duties as assigned.

DISCLAIMER

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. The City of Milton is an equal opportunity employer and does not discriminate based on disability, race, marital status, gender, religion, age or national/ethnic origin.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Back to Agenda Bill



POSITION DESCRIPTION

Job Title	Asset Management Technician II
Department	Public Works
Representation	IBEW 483 (International Brotherhood of Electrical Workers)
Compensation	Range 19
Status	Non-exempt

GENERAL PURPOSE

The Asset Management Technician II performs complex technical work in the field of infrastructure asset management. This employee possesses expertise and performs significant but standardized asset management functions requiring some independent decision making. Incumbent creates and maintains asset management information from data and makes calculations, performs analysis, keeps records, and conducts quality control based upon established methods or in accordance with general instructions.

SUPERVISION

This position performs under the general direction of the Mayor or Designee, and the direct supervision of the Public Works Operations Superintendent and Director. The position often operates with limited supervision. May provide direction to the Asset Management Technician I.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Although the primary duties of the Asset Management Technician II are listed below, the omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to this position. Primary duties include but are not limited to:

- Works to develop, maintain, organize and troubleshoot the City's asset management system.
- Provides technical support to the City's public works divisions.
- Creates and maintains the City's asset management / inventory and internal cost accounting database using Cartegraph software (or comparable software) in conjunction with ESRI mapping products.
- Makes recommendations to superiors regarding system/process improvements, including software upgrades.
- Makes recommendations to superiors regarding disposal of surplus property.
- Performs field assessments of City assets (roadways and drainage structures).
- Manages the captured data to ensure an accurate and current analysis of the condition of the City's system assets.
- Prepares reports and presentations of the data for asset inventory and condition.
- Initiates and completes Work Orders for the City's infrastructure.
- Identifies, collects and records pavement condition and maintenance as well as identifies, collects and records asset inventories of public facilities on the Right-of-Way.

- Designs and produces reports and maps which provide City decision makers with the information needed to prioritize, plan and implement budgets and work plans which most efficiently utilize human and financial resources.
- Operates data collection equipment to ensure that data collection meets the quality standards for asset management.
- Initiates, updates and completes service requests received from citizens and other City departments.
- Traverses assigned routes and takes readings of electrical and water meter dials; records readings on meter cards and/or inputs data into hand-held micro computing device to provide needed information for utility billing or other related action.
- Notes any unusual changes in consumption, location or malfunctions such as leaks or damaged meters; inspects meters and connections for defects, damage and unauthorized connection or use; and reports findings to the appropriate supervisor.
- Rechecks meter readings as needed to determine abnormal consumption patterns and analyze possible causes for fluctuation or consumption.
- Provides maintenance and repair functions on meters; replaces defective meters; and tests meters for accuracy.
- Becomes proficient at locating electric and water system.
- Performs delivery of door-hangers.
- Remains current with all meter systems and safety practices.
- Stays abreast of current trends in the asset management field.
- Maintains utmost confidentiality as to city matters in dissemination of duties.
- Maintains assigned tools and equipment and is issued a City vehicle.
- Maintains appropriate behavior, appearance (as appropriate for position) and performance.
- Regularly takes initiative in recommending changes in work methods, policies, and procedures to improve levels of service delivery and improve overall operating efficiencies.
- Must be oriented toward community service.
- Promotes positive public relations and provides support to the City as a department team member, including assisting with training of employees as appropriate.
- Removes remains of deceased animals from City roads and/or right of ways and dispose of properly per OSHA/WISHA and other such safety regulations.
- Performs other duties as assigned, including but not limited to performing general labor and working with a variety of small tools.
- General knowledge of purchasing rules and procedures.

MINIMUM QUALIFICATIONS

Graduation from high school or GED equivalent, and

- Three years in public infrastructure environment, and
- Completion of over 100 hours from an accredited training program with an emphasis in GIS Integration, Asset Management, or related field; or
- An equivalent combination of education and experience

PREFERRED QUALIFICATIONS

- Two-year, post-secondary degree/certificate in Engineering Technology, Applied Geography, Geographic Information Systems, or related field
- Working knowledge of utility systems and familiarity with ArcGIS desktop and ArcGIS online
- Experience with work order systems and field devices for Android and iOS tablet devices and GPS devices

- Thorough technical knowledge and understanding of asset management criteria

Necessary Knowledge, Skills, and Abilities: Strong technical, analytical, research and problem-solving skills, and the ability to work independently in a team environment.

This position must possess the ability to perform and record arithmetic computations accurately and quickly; and have the ability to accurately read and record data from various types of meter dials. Skill in operating office tools and equipment and knowledge of general office practices and procedures. This position requires the ability to communicate effectively, verbally and in writing, with employees, consultants, City officials and the general public, including hostile and angry customers. It requires the ability to professionally deal with the public, staff members and other agencies on the phone and in person; and the ability to establish and maintain effective working relationships with the Mayor, department directors, employees, elected officials and the public.

Considerable knowledge of wiring, diagrams, schematics and electrical symbols. Considerable knowledge of the mechanism of self-contained electric meters. Knowledge of occupational hazards that could compromise personal safety. Some knowledge of municipal utility rules and regulations or policies, including the rules concerning disconnects and meters in general. Knowledge of the geography and street locations in the City.

Ability to work outdoors for extended periods of time in all types of weather conditions. Ability to bend, stoop, climb, work at heights, and walk on uneven terrain. Ability to understand and follow verbal and written instruction. Ability to physically perform the essential job functions of the classification.

Licensing and Other Requirements: Must have and maintain a valid Washington State Driver's License with CDL Class B certification with Air endorsement, or obtain this certification within 12 months of hire; must possess or obtain a flagging and traffic control certification within 90 days of hire; and must be certified in CPR and First Aid, or obtain certification within 90 days of hire. Must be able to respond to overtime requests and be on-call.

Tools and Equipment Used: Personal computer with programs including but not limited to Microsoft Outlook, Word, spreadsheets in Excel and specialty software including Cartegraph, Flex Net, Sensus, and BIAS, calculator, phone, radio, fax and copy machine, motorized vehicles and equipment including pickup, generator, saws, and various common hand and power tools.

Work Environment/Physical Demands: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. This position must be able to walk for long periods of time and occasionally over rough terrain. This position may be frequently exposed to inclement weather, hostile customers, dogs and other animals.

While performing the duties of this job, the employee is required to reach with hands and arms. The employee constantly is required to stand, walk, and use hands to finger, handle, feel or operate objects, tools, or controls. The employee is required to sit in a vehicle, climb and balance. The employee must occasionally lift and/or move up to 40 pounds. Specific vision abilities required by this job include close vision, distant vision, and the ability to adjust focus. The noise level in the work environment is usually moderately loud when in the field.

This description was prepared to indicate the general nature, kinds of activities, and levels of work difficulty typically required. It is not designed to contain or be interpreted as a comprehensive inventory of all duties, responsibilities, and/or qualifications required of employees assigned to this position. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or is a logical assignment to the position. Individuals may perform other duties as assigned.

DISCLAIMER

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. The City of Milton is an equal opportunity employer and does not discriminate based on disability, race, marital status, gender, religion, age or national/ethnic origin.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

DRAFT

[Back to Agenda Bill](#)



Back to Agenda

To: Mayor Styron Sherrell and City Council Members
From: William L. Cameron, City Attorney
Date: February 12, 2018
Re: **Ordinance – Sign Code Update**

ATTACHMENTS: Exhibit A – First Draft as presented to Planning Commission
 Exhibit B – Planning Commission’s Recommended Draft

TYPE OF ACTION:

Information Only Discussion Action Public Hearing Expenditure

Recommended Action: Review for approval each of the attached Agenda Action Items.

Fiscal Impact/Source of Funds: Addressed within each component of this Proposal

Issue: In 2015 the United States Supreme Court decided the case of *Reed v. Gilbert*. *Reed* had the effect of repealing virtually every sign code in the United State, Milton’s included. This is explained in detail in the accompanying memorandum, and I will not belabor it here. The direction that the Court gave was that the message on a sign cannot be considered in its regulation. If Milton regulates the signs at Safeway and Arby’s the same regulations will apply to the Methodist Church and the VFW. If we let the Girl Scouts put up advertisements for their cookies, we cannot say anything about similar signs advertising the next Milton Klanvocation. And no, banning all signs is not an option.

To make our sign code comply with the dictates of *Reed* I did an exhaustive rewrite. Milton’s ordinance contained more than its fair share of planning argot, and after struggling to understand some of the gibberish, I tried – to the extent human endurance permits – to write what is left in plainer English. I will claim modest success in reducing the number of “shalls” from 122 to 8. I have deleted about half the definitions, because the words they defined did not appear anywhere else in the Code. To the greatest extent possible, I removed attempts at regulation from the definitions. Many of the provisions referred to MMC 17.50.140. This section was completely butchered so I made up a new subpart B for it so it would work. That provision deals with the time limits on temporary signs and as those are the types of signs at issue in *Reed*, great care needs to be exercised in that area. I have attached that draft as Exhibit A. It contains my and other attorneys’ explanations for the changes based on *Reed*. The Redline indicates the changes from the original ordinance.

The planning commission then had a go at it and that is Exhibit B – the Planning Commission’s recommended changes. The Commission tidied things up as they saw fit, and it is this version that will come to you for adoption, amendment or rejection as you see fit.

The 9th Circuit Court of Appeals continues to treat commercial and non-commercial speech differently. I would be remiss in not telling the Council that it might be possible to make at least

some distinctions between commercial and noncommercial speech, but I do not recommend this course of action. *Architectureart, LLC v. City of San Diego*, 231 F.Supp.3d 828, (2017); which appears in the *Reed* analysis memorandum, is an example of this circuit's leaning and, I think, 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 nonetheless. In any event, one can make a perfectly decent sign code without resort to a commercial – noncommercial distinction. So why take the risk the United States or Washington Supreme Courts will take us to task over the feather flags at a sandwich shop?

Exhibit A

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.
- 17.50.190 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. 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 and; 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 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 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 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.

Commented [DPK1]: In order to withstand even intermediate scrutiny, this section will need to be beefed up.

Commented [DPK2]: 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.

Commented [WLC3]: Where I have struck out material that was highlighted in red, I have changed the color to blue if the strikeout is not clear.

Commented [WLC4]: Judges have an idea of what abandoned is and little needs to be added except some certainty for the Code Enforcement Officer

Commented [WLC5]: 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.

Commented [WLC6]: “Balloon” now only appears in one section. There appears little use for a definition. Several definitions below have been removed because they do not appear in the rest of the Chapter, if they ever did.

Commented [kne7]: See comment 4 below. Same applies.

“Building facade” or “façade” 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 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 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.

Commented [kne8]: Case law is split in the U.S. District Courts regarding whether it is still permissible to have distinctions in sign regulations based upon on premise or off premise signs. Several courts in California have declined to extend Reed to to on premise/off premise distinctions. However, other courts, for example in *Thomas v. Schroer*, W.D. Tenn (Sept. 8, 2015) have found that where the only way to determine whether a sign is an on premise sign is to consider the content of the sign and determine whether that content is sufficiently related to the activities conducted on the property on which they are located, the distinction is content based and is subject to strict scrutiny. We tend to agree with the Tennessee Court’s reasoning on this issue - the code enforcement officer must read the sign to apply the code.

Commented [kne9]: See comment 4 above. Same applies.

Commented [kne10]: 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

“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.

“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 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.

Commented [kne11]: This is green (rather than yellow) because the definition of advertising copy is not limited to commercial graphics/logos/text.

Commented [kne12]: This part is problematic because it requires looking at the content of the flag and its message

Commented [kne13]: Temporary signs may be ok depending upon how they are treated. If a sign is temporary based upon its physical characteristics, i.e., because it is an A-frame or it is stuck into the ground with a small post, the distinction is ok. If it is temporary because it requires the reader to look at the content of the sign, for example that a garage sale only lasts for a day or two, then the distinction is problematic. Here the temporary nature of event is related to its content, so not permissible.

Commented [kne14]: This part is content based and not permissible.

~~“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.

Commented [WC15]: See the definition of “sign” and discussion concerning “directional sign”

Commented [kne16]: 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.

“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 ~~is a work of art painted or applied to a wall of a building or other structure 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~~

Commented [WC17]: The regulation of the sign should not be included in the definition.

Commented [kne18]: 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

Commented [kne19]: See comment on commercial/noncommercial distinctions.

Commented [kne20]: 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.

Commented [kne21]: See previous comment on on-premise/off-premise.

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-flexible plastic, or similar types of material that is not more than 24 square feet in size. Pennants may ~~that~~ does 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.

Commented [kne22]: See previous comment on on-premise/off-premise.

“Permittee” includes any person who should have taken out a permit under this Chapter or MMC 15.04.

“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 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 consists 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/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 readerboard/reader board may be a component of a monument, pole, or wall sign.

“Readerboard/Reader board, mobile” means a readerboard/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, but not in a manner that would change the size, shape, location, or character.

Commented [kne23]: While this is content based, it probably would withstand strict scrutiny because of relation to safety. Also government speech is subject to different tests

“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.~~

Commented [kne24]:

“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.~~

Commented [WC25]: These definitions are being removed. “incidental sign” appears only in this definition and its own definition and “directional sign” and incidental signs require that the content of the message be considered. Insofar as signs are inside buildings or are things that probably are not of public concern other than as required by fire and building codes.

“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 that identifies 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 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 or that does not comply 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

Commented [kne26]: See neighborhood sign

Commented [kne27]: See comment on temporary signs.

Commented [kne28]: 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 [kne29]: This would probably survive strict scrutiny because of safety concerns.

Commented [kne30]: Same comment as above.

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.

~~“Sign” means any temporary or permanent sign that communicates an advertisement or message to the public. (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~~Chapter. In addition to meeting 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, 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, 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.

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, 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; 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;

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;

Commented [kne31]: Nothing inherently wrong with this - there may be some word changes that you could regulate, like use of "stop" or if you were regulating the color or size of text. The permit officer would have to be careful not to otherwise regulate based on the message of the sign. When the sign code amendments are complete, there would be no basis for the officer to do so, except in very limited situations, like use of the word "stop."

Commented [WLC32]: 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 [kne33]: Same comment above.

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;~~

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 that interfere or bewith or are~~ confused with pedestrian or vehicular public safety signs as identified in the AASHTO manual ~~but which are not placed by the public authority and are not in compliance with the AASHTO manual or applicable laws and regulations;~~

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 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 (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;

Commented [WC34]: I am not of the opinion that the 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 [WC35]: 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 and violate AASHTO standards.

Commented [DPK36]: While some of these might be content based, they would likely withstand any level of scrutiny given the government interest involved.

Commented [WC37]: 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 [kne38]: See previous comment on off-premise.

- 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;
- 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;~~
- ~~RT.~~ 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;
- ~~ST.~~ Billboard signs; and
- IV. 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;~~
- ~~AB.~~ 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~~

Commented [WC39]: This is a confusing was to say that a sign is exempt – transferred to 17.50.070 C.

Commented [WLC40]: This is a clear limitation on speech.

Commented [kne41]: Despite being content based, these are required by law

Commented [kne42]: Same

Commented [kne43]: Certain gas pump signs, like no smoking would probably withstand scrutiny. There may be other types of signs required by law here.

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;

31. 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, erected or sanctioned by a government agency;

Commented [kne44]: Depends upon the structure and implementation of the government program

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

33. Address numbers or signs depicting a family name, such as Keek's residence identification;

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

Commented [kne45]: 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.

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

36. 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;

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

38. Painted wall decorations or murals;

Commented [kne46]: Assuming definition of mural edited, should be permissible.

39. Painted wall highlights;

Commented [kne47]: Not sure how this is a sign?

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

Commented [kne48]: While this is not content based, we're wondering when, if ever, this is used and how it would be useful.

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

Commented [kne49]: Because this encompasses all types of flags, this is permissible. But, see previous comments on definitions of flags.

42. 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 occupants, other than the primary tenant occupant, 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.

Commented [WC50]: Zoning Ordinances are by the nature arbitrary. That perfectly acceptable when it comes to land use regulation but is in inherent conflict with the First Amendment. I have stricken out numerous arbitrary limitations and this could perhaps be better, but I am not sure how. Certainly, a sign for a small shop would be lost and useless on the side of a megastore, but they both enjoy the same free speech rights. I do not have a pat answer for this one.

Commented [WC51]: I have changed "tenant" to "occupant" throughout. Tenant implies that the occupant leases the property when he may be an owner, partner, beneficiary or perhaps just a squatter.

Commented [WC52]: I have removed the last sentence because it does indeed tell the primary occupant or landlord what he can say.

B. Number and Spacing of Monument Signs. One monument sign is permitted per primary street frontage. One additional monument sign is permitted for each

Commented [WC53]: 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. One sign per frontage is perfectly logical.

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).

Commented [kne54]: This is not content based if the sign does not have to be related to the permitted use or conditional use

Commented [WC55]: I think that signs may be regulated by zone, but the regulation applies without regard to the character of the speaker.

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 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 signs, and shall not block vision clearance areas.

Commented [WC56]: Isn't this where they usually go?

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 m~~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.

Commented [WC57]: 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 [WC58]: 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.

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 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.

Commented [kne59]: Same comment

Commented [WC60]: This is a slightly different question, but why would a 4+ acre subdivision have more right to free speech than a 4-acre subdivision?

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.

Commented [kne61]: Same comment

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 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 The 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 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

Commented [WC62]: This is perhaps a nice idea, but the entire section is direct governmental regulation of free speech.

Commented [kne63]: 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.

~~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~~ 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.

Commented [DPK64]: If this is just a counting mechanism, then it is fine. However, if this means that those signs can only be for the tenant's business, then it would need to be changed.

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.~~

Commented [DPK65]: Does this imply what the signs content should be? If so, it would need to be changed.

2. RM: Eight square feet.

Because there is a different between the residential and non-residential uses, this may be something that needs to be addressed.

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 not exceed 25 square feet per sign face.

Commented [DPK66]: See prior comment. Depends on intent.

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-tenantoccupant~~ 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.

Commented [kne67]: Ok if definition changed

A. Maximum Number.

1. RS, RMD, RM: Zero.

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

Commented [DPK68]: Because the definition of this sign limits it to certain commercial business, the regulations on this type of sign may need to be changed.

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 readerboardsreader boards, 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;~~

Commented [DPK69]: If this means that the sign has to pertain to the business, it may need to be changed. If it simply means that the sign, whatever the content, can only be out during the hours of operation of the host site, then it may be ok.

Commented [WC70]: As these signs almost always are in the right-of-way, a bit more regulation may be warranted. If the sign is the daily special, when the business closes, the sign goes inside. If it is a political opinion on an elected official, then it can stay up so long as the official remains in office. We are thus not regulating the speech as much as limiting the license to use the public way only when there is a message to communicate.

Commented [DPK71]: The very nature of a directional sign prohibits certain other types of signs. So, these regulations only apply to certain messages. You must read the sign in order to properly apply the regulation.

Commented [WC72]: It seems unlikely that this regulation can pass scrutiny as it requires one to consider the content of the message.

Commented [WC73]: This is not possible.

Commented [WC74]: Limiting time one may express his views is not permissible.

43. 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.

Commented [DPK75]: This is the precise issue that was at play in Reed v. Gilbert. The different regulations on different types of temporary signs must be changed.

Commented [kne76]: If definition of lawn sign is amended, this could work.

Commented [kne77]: Reasonable amortization periods could be considered

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 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 ~~in disrepair~~, 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.

~~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.~~

Commented [kne78]: This would not meet legal requirements for entry of property. This section should be removed. If a nuisance or hazard existed, the building official could obtain a warrant of abatement to go onto the property, but absent such court-issued warrant, this would not be permissible.

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.

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

(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

Commented [WLC79]: As I noted above, a speaker has a right to remain anonymous. "The decision in favor of anonymity may be motivated by fear of economic or official retaliation, by concern about social ostracism, or merely by a desire to preserve as much of one's privacy as possible. Whatever the motivation may be, at least in the field of literary endeavor, the interest in having anonymous works enter the marketplace of ideas unquestionably outweighs any public interest in requiring disclosure as a condition of entry. ^[16-5] Accordingly, an author's decision to remain anonymous, like other decisions concerning omissions or additions to the content of a publication, is an aspect of the freedom of speech protected by the First Amendment." *McIntyre, supra*.

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).

17.50.182 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, 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 sign is 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 Chapter 1.08 MMC. (Ord. 1666 § 2, 2006; Ord. 1536 § 2, 2002; Ord. 1437 § 1, 2000).

Commented [WC80]: This is a section that should be included

Commented [WC81]: This is just a suggestion. It certainly poses some danger as it may permit some speech that would otherwise be limited or regulated.

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).

[Back to Agenda Bill](#)

Exhibit B

[A](#) Chapter 17.50

SIGN CODE

Sections:

- 17.50.010 Purpose.
- ~~17.50.020 Definitions.~~
- ~~17.50.030 17.50.020 Definitions.~~
- 17.50.030 Administration and enforcement.
- ~~17.50.040 Permits required.~~
- ~~17.50.050 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 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 17.50.085 Freeway signs.~~
- 17.50.090 Pole signs.
- 17.50.100 Monument signs.
- 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 17.50.120 Sandwich board signs.~~
- 17.50.140 Temporary signs.
- 17.50.145 Uptown Standards

~~17.50.150~~ Nonconforming signs.

~~17.50.160~~—~~17.50.160~~ Maintenance of signs.

~~17.50.170~~ Removal of signs.

~~17.50.180~~—~~17.50.170~~ Removal of signs.

~~17.50.180~~ Deviation from standards.

~~17.50.190~~—~~17.50.182~~ Construction.

~~17.50.185~~ Signs of Historical Community Significance.

~~17.50.190~~ Penalty for violations.

~~17.50.200~~ Severability.

~~17.50.200~~ Severability.

~~1~~ **17.50.010 Purpose.**

The purpose of this ~~chapter~~Chapter is to regulate the installation, alteration, relocation, number, size, height, ~~material~~, and placement of signs within the city. ~~In conformance~~Consistent with the comprehensive plan, the regulation of signs ~~is found to protect~~protects the health, safety, and welfare of the citizens. It ~~is intended to promote~~promotes the aesthetic appearance of the city to maintain and ~~enhance its~~protects the value of property values. It ~~is intended to encourage~~encourages quality design that creates an attractive and harmonious community and business environment. ~~It is further intended to preserve~~It provides businesses with the adequate means to advertise their products and services. It preserves the right of ~~free speech exercised by~~its citizens ~~to exercise their free speech without unnecessary regulation.~~ (Ord. 1666 §-2, 2006; Ord. 1437 § 1, 2000).

~~2~~ **17.50.020 Definitions.**

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

“Abandoned sign” includes a sign that ~~has~~ 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, ~~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~~and Banners may contain text, numbers, graphic images or symbols. Pennants and flags are not considered banners.

“Billboard” means ~~a preprinted or handpainted changeable~~an off-premise sign ~~and may include that includes~~ both the structural framework that supports ~~it~~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 ~~wall~~cannot be viewed by ~~persons not~~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 ~~any~~ 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 reader board where copy changes are shown on the same lamp bank; e.g., time, temperature, date, news, or commercial information of interest to the traveling public.~~

~~"Damaged 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.~~

~~"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~~ a message.

"Double-faced sign" means a sign that has informational message on opposite sides of a single display surface or sign structure. Wedge, round or multifaceted signs ~~shall~~ are 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- 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 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 ~~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 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.

~~“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.~~

~~“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 ground cover.~~

~~“Lawn sign” means a temporary sign within the lawn or landscape area of a site.~~

“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, ~~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 includes~~ 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 ~~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.~~

“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.

~~“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.~~

~~“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.~~

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

“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, ~~nonrigidflexible~~ plastic, or similar types of material that ~~is not more than 24 square feet in size and does~~ not contain text, numbers, ~~or business/corporate~~ images ~~and/or~~ symbols. ~~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 businessan activity~~ that was processed through the site approval process as one project or that shares ~~the access and~~ 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~~.

~~"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 messages consists of a~~ Portable signs are usually changeable copy ~~signs~~ signs.

~~"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.~~

~~"readerReader 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.

~~"readerReader board, mobile" means a reader board sign that is not permanently installed on-site.~~

"Repair" means to paint, clean, ~~or~~ replace damaged parts ~~of a sign~~, or ~~to~~ improve ~~its~~ the structural ~~strength, integrity of a sign~~, but not ~~in a manner that would~~ change ~~theits~~ 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~~ When permitted, eighty percent of the sign area ~~shall~~ must be backed by the roof system.

~~"Seasonal decorationsSandwich board signs" means temporary decorations for holidays~~ small signs, either single- or double-faced and portable.

“Sign” means any object, device, display, structure or part thereof that do not fall under 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 definition area of a sign and on which information is placed. Display surface, structures and associated architectural embellishments, framework and decorative features that are installed contain no sooner than 30 days before a holiday and removed no later than five days after information and are not illuminated are not calculated in determining sign area. Sign area is calculated by measuring the holiday. Decorations area of the smallest rectangle, circle, triangle or parallelogram that fall under the definition of a sign must conform to can be drawn around all provisions parts of the sign code 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” is a surface or object bearing a message that is displayed for public view.

“Sign graphics” include 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 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 is 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.

“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.

“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 an event or happening that will render the sign obsolete upon the event or happening.

“Traffic control signs device” means a sign erected within the public right of way identifying restrictions on travel. Examples of traffic to control signs include stop signs, one way signs, and speed limit signs 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~~sign or ~~its~~ construction at the time of its ~~erection, which sign has never been in conformance~~placement and that does not comply with all applicable ordinances or ~~codes~~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 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~~MMC 17.44.060 ~~or as otherwise required by law.~~

~~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.~~

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

~~3.~~ **17.50.030- Administration and enforcement.**

~~A. All new~~A. ~~Anyone installing or altering a~~temporary or permanent ~~signs require~~sign must obtain a sign permits unless specifically exempted by MMC ~~17.50.070. Sign permits require full conformance~~17.50.070. ~~The sign 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~~accord with the provisions of this ~~section~~Chapter and ~~related chapters and titles of the municipal code~~other applicable laws.

~~B. It shall be the duty of the~~The land use administrator, or code enforcement officer, of the city of Milton ~~to~~will interpret and enforce this ~~section~~Chapter. 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).

~~4.~~ **17.50.040- Permits required.**

~~A. It shall be~~is unlawful for any person to erect, ~~reerect~~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.~~

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.

~~D. No additional permit is needed to repaint, clean, or repair, 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 or~~ change of copy ~~for~~ a changeable copy sign. (Ord. 1666 §-2, 2006; Ord. 1437 § 1, 2000).

~~5.~~ **17.50.050- Permit application requirements.**

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

~~A. The person responsible for the construction, installation, maintenance and repair 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~~ 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).

~~6.~~ **17.50.060- Prohibited signs.**

~~The~~ Unless otherwise permitted, the following signs ~~shall~~ are not ~~be permitted~~ 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 ~~light so as~~ ~~lights that~~ interfere ~~with~~ or ~~bear~~ 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 placed on vehicles or trailers ~~which~~that 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);~~

~~F. Signs placed on a site other than the property that contains the use or activity that the sign is advertising, when this sign placement is done to circumvent the area limitations or other standards of this provision;~~

~~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, ~~except for subdivision signs;~~~~

~~K.- Outdoor, portable electric signs;~~

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

~~M.- Signs on utility poles;~~

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

~~~~O.- N. 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~~17.50.140; carnival like displays except as approved as temporary signs under MMC 17.50.140;~~~~

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

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

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

~~~~S.- P. Unauthorized signs located on government property;~~~~

~~~~Q. 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 signsR. Billboards; and~~~~

~~~~V.- S. 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).~~~~

~~~~7. **17.50.070- Exempt signs.**~~~~

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

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

- ~~B-A.~~ 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-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;
- ~~K-D.~~ Address numbers or signs depicting a family name, such as Keek'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-E.~~ 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;
- ~~O.~~ Parking lot painting of handicap symbols, striping, numbers, and notations of compact spaces;
- ~~P-F.~~ 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-G.~~ National, State and City Flags; and commercial flags not to exceed 12 in number; and
- ~~T-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 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 except for,
- ~~2.~~ For uses within which the building frontage is more than 100 feet long. For uses in which the building linear front footage exceeds 100 feet, the maximum area for all signs shall not exceed an

area equal to two times the linear front footage of the square feet per lineal foot of building frontage, or 450 square feet, whichever is less. Multiple

3. For multiple occupancy buildings may display, an additional 50 square feet of wall signage may be displayed for no more than two building tenants, occupants (other than in addition to 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 must comply with all applicable regulations. If a 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 regulated by 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 § temporary sign in the right-of-way, then the sign must comply with all the regulations applicable to the sign unless otherwise provided. (Ord. 1666 § 2, 2006; Ord. 1474 § 2, 2001; Ord. 1437 § 1, 2000).

**9. 17.50.083- Signs in the right-of-way.**

A. Except for 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 may be erected or placed within the public right-of-way. Traffic control and advisement Sandwich board 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 signs control devices, and shall 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).

**10. 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 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 ~~shall~~must be located along the side of the property nearest I-5, and it ~~shall~~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. ~~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 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.
3. B, CF, M-1, OS: 20 feet.

D. Landscape and Siting Requirements. ~~D. Pole signs must~~ 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- 17.15C, Landscape regulations table. The minimum dimension of the planting bed ~~shall~~must be 10~~five~~ 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~~1474 § 3, 2001; Ord. 1437 § 1, 2000).

**17.50.090 Pole 100 Monument 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.

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 and Spacing.

1. RS, RMD, MX: Zero for residential uses; one per street frontage for permitted or conditionally permitted nonresidential uses. ~~RS, RMD, RM, MX: Zero.~~

2. B, CF, M-1, OS: One ~~center~~ subdivision identification sign per parcel of five acres or greater with a minimum of 300 feet of street frontage or one is permitted 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 ~~subdivision.~~

B. Size Allocation.

1-2. RM: One per street frontage.

3. ~~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 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 20048 square feet.

No sign face shall display surface may exceed 40096 square feet.

C. Maximum Height.

1. RS, RMD, MX: ~~Does not apply~~ Eight feet.

2. RM: 12 feet.

3. B, CF, M-1, OS: 2012 feet.

D. Landscape and Siting Requirements. Pole Monument 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: 17.15C, Landscape regulations table. The minimum dimension of the planting bed shall must be five feet measured from inside face of 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 be may not be taller than 36 inches. ~~(Ord. 1666 § 2, 2006; Ord. 1474 § 3, 2001; Ord. 1437 § 1, 2000).~~

**12. — E. Indirect Lighting. 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, where permitted in size.~~

2. residential zones (RS, RMD, 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 minimum dimension of the planting bed shall be five feet measured only be illuminated from inside face of curb to inside face of curb. The planting beds shall be improved with the following: an indirect source.~~

~~1. F. 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).~~

**13. — 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~~).~~

**14. 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 signsadditional occupant, 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-~~, ~~where no display surface may exceed 48 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 of display surface.~~
  - 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-~~, ~~where no display surface may exceed 48 square feet~~). For multiple occupancy buildings, the individual ~~building~~tenantoccupant 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 ~~48 square feet, where no sign face may exceed 24 square feet-~~, ~~where no display surface may exceed 48 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- Sandwich board signs.**

**15.— 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 place so they do not obstruct the passage or view of vehicles or pedestrian on or entering the public way.
- E.- Duration. A- Sandwich board/sandwich board signs are- sign is 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. MMC 17.50.140 applies to sandwich boards that are also temporary signs. (Ord. 1666 §-2, 2006; Ord. 1437 § 1, 2000).

**16.— 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. — 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).

**18. 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 reader boards, shall be permitted, provided, that if 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 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, 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 of a carnival nature (12-day maximum time period); in Business and Industrial zones west of Interstate 5.

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. Subdivision1. 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 (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 are permitted for pedestrian traffic, but may not exceed four 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).

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

**19. 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 that 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~~must be brought into compliance with this ~~chapter~~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~~occupant space(s) to which the sign applies is undergoing an expansion or renovation ~~which that~~ 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; ~~or~~  
6. The sign is more than 20 years old. (Ord. 1716 §-1, 2008; Ord. 1666 §-2, 2006; Ord. 1437 § 1, 2000).

**20. 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~~The owner ~~and/or~~ occupant of the premises on which ~~the sign is fastened to~~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. ~~For damaged signs, it shall be the duty of the~~The owner ~~and/or~~ occupant ~~to~~must repair or remove ~~the sign~~damaged signs or signs in disrepair 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).

**21. 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 that do not conform to the Construction Codes, MMC 15.05, that~~ are a hazard to life and property, or ~~which that~~ by ~~its~~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~~if 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 ~~when it~~ has been abandoned:

- ~~1.- C. If the person who owns or leases such~~permittee has not identified himself, the City may remove any sign fails to remove once it as provided in has 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 ~~permittee~~ 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).

~~22.~~ **17.50.180 Deviation from standards.**

A.-Authority. The land use administrator may grant a deviation from the requirements of this ~~chapter~~Chapter using Process II (~~Chapter 17.71~~MMC 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~~Chapter only if the applicant demonstrates compliance with the following criteria:

- 1.-The deviation from standards as approved ~~shall~~does not constitute a grant ~~which~~that is inconsistent with the intent of the sign code;
- 2.-~~That the~~ 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~~ 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~~ The special conditions and circumstances prompting the deviation from standards request do not result from the actions of the applicant;
- 5.-~~That the~~ 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~~that is consistent with the stated intent of this ~~chapter~~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~~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 ~~shall~~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.

**23. 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~~Chapter.

B. Any person, firm, or corporation violating any of the provisions of this ~~chapter~~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).

**24. 17.50.200-Severability.**

If any clause, sentence, paragraph, section or part of this ~~chapter~~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).

Back to Agenda Bill

