ORDINANCE NO. 1938-18

AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON, RELATING TO SIGNS, AMENDING AND REENACTING CHAPTER 17.50 OF THE MILTON MUNICIPAL CODE; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND FOR SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

WHEREAS, in order to account for the Case of *Reed v. Gilbert* decided by the United States Supreme Court in 2015, and to make needful changes to the City's sign regulation it is appropriate to adopt a new sign code based on the recommendation of the Planning Commission and review by the City Attorney,

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MILTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 17.50 of the Milton Municipal Code be, and the same hereby is, amended and reenacted to read as follows:

17.50.010 Purpose.

The purpose of this Chapter is to regulate the installation, alteration, relocation, number, size, height, material, and placement of signs within the city. Consistent with the comprehensive plan, the regulation of signs protects the health, safety, and welfare of the citizens. It promotes the aesthetic appearance of the city, to maintain and protects the value of property. It encourages quality design that creates an attractive and harmonious community and business environment. It provides businesses with the adequate means to advertise their products and services. It preserves the right of free speech exercised by its citizens.

17.50.020 Definitions.

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

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

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

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

"Billboard" means an off-premise sign that includes both the structural framework that supports a billboard and any message. Although sometimes smaller, billboard sizes often range from 12 to 14 feet in height and 24 to 48 feet in width.

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

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

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

"Changeable copy sign" means any sign that is designed so that characters, letters, or illustrations can be changed or rearranged by hand without altering the face or the surface of the sign; i.e., reader boards with changeable pictorial panels.

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

"Display surface" means the area made available by the sign structure for displaying a message.

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

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

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

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

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

"Flashing sign" means a sign or a portion thereof that changes light intensity or switches on and off, contains motion or the optical illusion of motion by use of electrical energy.

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

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

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

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

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

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

"Monument sign" means a ground-mounted, fixed sign.

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

"Mural" means is a work of art painted or applied to a wall of a building or other structure.

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

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

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

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

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

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

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

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

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

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

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

"Revolving sign" means any sign or sign structure that revolves or partially revolves about an axis.

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

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

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

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

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

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

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

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

"Snipe sign" means an off-premise sign placed on street furniture or the supports thereof. Snipe signs do not include government signs, traffic control devices and specifically authorized signs.

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

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

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

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

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

"Vision clearance area" means an area of unobstructed sight distance as defined by MMC 17.44.060 or as otherwise required by law.

"Wall plane" includes that portion of a facade that is contained on one general plane. A single wall plane may contain windows and doors but it is generally a solid surface. The fascia of

projecting porches or colonnades may be considered part of the wall plane from which the porch or colonnade projects in calculating signage area.

"Wall sign" means a sign attached or erected parallel to and extending not more than one foot from the facade or face of any building to which it is attached. Signs incorporated into mansard roofs, marquees, or canopies will be treated as a sign attached to a building.

17.50.030 Administration and enforcement.

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

B. The land use administrator, or code enforcement officer, of the city of Milton will interpret and enforce this Chapter. In addition to complying with the provisions of this Chapter of the zoning code, the materials, structural design, construction, inspection, and maintenance requirements for signs must comply with the Construction Codes administered by the public works department and the current National Electrical Code and the National Electrical Safety Code.

17.50.040 Permits required.

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

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

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

D. No additional permit is needed to repaint, clean, repair, otherwise perform normal maintenance on a sign or sign structure, or change copy on a changeable copy sign.

17.50.050 Permit application requirements.

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

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

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

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

D. Consent of the owner or person in legal possession of the property upon which the sign is to be erected or his agent;

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

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

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

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

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

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

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

L. Proof that a city of Milton business license has been obtained by the sign installation contractor and the company that is utilizing the permitted sign if the company utilizing the permitted sign is required to obtain a business license.

17.50.060 Prohibited signs.

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

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

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

C. Signs displaying obscene matter. Matter is obscene as described in RCW 7.48A.010 Moral Nuisances.

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

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

F. Off-premises signs;

G. Rotating and revolving signs;

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

I. Abandoned signs;

J. Permanent signs on undeveloped sites;

K. Outdoor, portable electric signs;

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

M. Snipe signs;

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

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

P. Unauthorized signs located on government property;

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

R. Billboards; and

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

17.50.070 Exempt signs.

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

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

B. Signs erected or sanctioned by a government agency;

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

D. Address numbers, identification;

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

F. Painted wall decorations or murals;

G. National, State and City Flags; and

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

17.50.080 General provisions.

A. Total Sign Area:

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

B. Signs must comply with all applicable regulations. If a sign is regulated by more than one regulation, e.g. a temporary sign in the right-of-way, then the sign must comply with all the regulations applicable to the sign unless otherwise provided.

17.50.083 Signs in the right-of-way.

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

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

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

D. Pedestrian Area Clearances. When a sign extends over a walkway or other space accessible to pedestrians, the bottom of the sign structure must be at least eight feet above the ground. Exceptions are prohibited.

17.50.085 Freeway signs.

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

A. Maximum Number and Spacing.

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

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

B. Size Allocation.

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

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

C. Maximum Height.

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

2. B, M-1: 40 feet.

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

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

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

17.50.090 Pole signs.

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

A. Maximum Number and Spacing.

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

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

B. Size Allocation.

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

2. B, CF, M-1, OS: Maximum sign area of 100 square feet. No display surface may exceed 200 square feet.

C. Maximum Height.

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

2. RM: 12 feet.

3. B, CF, M-1, OS: 20 feet.

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

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

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

17.50.100 Monument signs.

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

A. Maximum Number.

1. RS, RMD, MX: Zero for residential uses; one per street frontage for permitted or conditionally permitted nonresidential uses. One subdivision identification sign is permitted per subdivision.

2. RM: One per street frontage.

3. B, CF, M-1, OS: One per street frontage. For extended street frontage, one sign per vehicle entrance at least 250 feet apart.

B. Size Allocation.

1. RS, RMD, MX: Maximum 64 square feet for permitted or conditionally permitted uses; except for a subdivision identification sign which may be a maximum of 36 square feet.

2. RM: 64 square feet.

3. B, CF, M-1, OS: Minimum of 32 square feet up to a maximum sign area of 48 square feet. No display surface may exceed 96 square feet.

C. Maximum Height.

1. RS, RMD, MX: Eight feet.

2. RM: 12 feet.

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

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

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

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

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

F. When Not Allowed. A monument sign is not permitted if existing signs attached to buildings exceed the limit of 15 percent of the wall area.

17.50.110 Signs attached to buildings.

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

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

B. Size Allocation.

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

2. RM: Eight square feet.

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

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

C. Maximum Area per Sign.

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

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

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

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

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

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

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

17.50.120 Sandwich board signs.

A. Maximum Number.

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

B. Size Allocation.

1. RS, RMD, RM: Does not apply.
2. B, CF, M-1, MX, OS: 12 square feet.

C. Maximum Height.

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

D. No Obstruction. Sandwich board signs must be 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 sign is permitted to remain in place only so long as it is providing immediately useful information. MMC 17.50.140 applies to sandwich boards that are also temporary signs.

17.50.140 Temporary signs.

A. Temporary signs must conform to MMC 17.50.080.

1. No flashing temporary sign of any type is permitted; however, internally illuminated signs, e.g., portable reader boards, are permitted if they conform to the current National Electrical Code and the National Electrical Safety Code;
2. All temporary signs must be securely fastened and positioned in place so as not to constitute a hazard to pedestrians or motorists;
3. No temporary sign may project over or into the travelled portion of a street, sidewalk or way except properly authorized banners installed by the city of Milton.
4. Temporary signs may not be within 300 feet along the same street frontage of any other temporary sign providing the same information or having the same owner.

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

1. Blinking or flashing lights, balloons, banners, searchlights, clusters of flags, strings of twirlers or propellers, flares, air dancers and other carnival like displays may be displayed before and during an event so long as the display does not exceed thirty days within any 90-day period;
2. Mobile reader boards, fence signs and off premise signs may be used a reasonable time before and during an event;
3. Temporary signs may be placed a reasonable time prior to the event or happening;
4. Yard signs not exceeding 24 inches by 36 inches are permitted in all residential zones for not more than 90 days in a calendar year; and
5. Signs permitted by this section must be removed promptly after the event or happening and in no event more than two days after the event or happening.

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

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

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

3. Signs under this subsection have no nonconforming rights.

17.50.145 Uptown Standards.

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

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

C. Air dancers and feather flags are not permitted.

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

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

17.50.150 Nonconforming signs.

A. A sign is legally nonconforming if it is out of conformance with this code and was lawfully erected in compliance with the applicable sign ordinance of the city or county that was effective at the time of sign installation, and a valid permit for such sign exists.

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

1. The sign is abandoned;
2. The sign is damaged more than 50 percent of its replacement value, unless such destruction is the result of vandalism or intentional destruction or removal by someone not authorized by the sign owner;
3. The owner seeks to change the sign structure supporting, holding, or surrounding the sign, other than minor maintenance or repair;
4. The occupant space(s) to which the sign applies is undergoing an expansion or renovation that increases the size of the occupant space floor area or site coverage by 20 percent or more, or the value of the expansion or renovation exceeds 50 percent of the assessed value of the structure;
5. The building to which the sign applies is demolished; or
6. The sign is more than 20 years old.

17.50.160 Maintenance of signs.

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

17.50.170 Removal of signs.

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

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

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

17.50.180 Deviation from standards.

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

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

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

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

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

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

6. The granting of the deviation from standards will not constitute a public nuisance or adversely affect the public safety and the proposed deviation from standards does not interfere with the location and identification of adjacent buildings or activities.

D. Other considerations. The land use administrator will grant deviations that are necessary to comply with MMC 17.50.182. The administrator will also consider deviations necessary to harmonize a sign with any associated structures of a recognized architectural style whether new construction or an existing structure.

17.50.182 Construction.

A. Not content based. The City recognizes that content-based laws target speech based on its communicative content, they are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. Except where a compelling state interest is involved such as the control of public safety matters, this Chapter does not in any way deal with the content of signs other than as expressly stated.

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

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

17.50.185 Signs of Historical Community Significance.

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

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

17.50.190 Penalty for violations.

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

B. Any person, firm, or corporation violating any of the provisions of this Chapter shall be guilty of a misdemeanor and punishable as set forth in MMC 9.04.040.

17.50.200 Severability.

If any clause, sentence, paragraph, section or part of this Chapter or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgement shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any part thereof to any other person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance shall take effect thirty (30) days after passage and publication of an approved summary thereof consisting of the title.

Passed by the Milton City Council the 5TH day of March, 2018, and approved by the Mayor, the 5th day of March, 2018.

SHANNA STYRON SHERRELL, MAYOR

ATTEST/AUTHENTICATED:

ELLIE HOOMAN, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY
WILLIAM L. CAMERON, CITY ATTORNEY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. 1938-18

SUMMARY OF ORDINANCE NO. 1938-18

of the City of Milton, Washington

On the 5th day of March, 2018, the City Council of the City of Milton, passed Ordinance No. 1938-18. A summary of the content of said ordinance, consisting of the title, provides as follows:

> AN ORDINANCE OF THE CITY OF MILTON, WASHINGTON, RELATING TO SIGNS, AMENDING AND REENACTING CHAPTER 17.50 OF THE MILTON MUNICIPAL CODE; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND FOR SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

The full text of this Ordinance will be mailed upon request.

DATED this 5th day of March, 2018.

Ellie Hooman

Ellie Hooman, CITY CLERK