

Town Hall Meeting Room
3715 Bridgeport Way West

- 6:30 pm 1. CALL REGULAR MEETING TO ORDER
- 2. ROLL CALL
- 3. PLEDGE OF ALLEGIANCE – Councilmember Worthington
- 4. APPROVAL OF MINUTES – September 6, 2016
- 5. APPROVAL OF AGENDA

- 6:35 pm 6. PRESENTATIONS
 - Boulevard of Remembrance/Remembrance Corridor
– Representative Dick Muri, 28th Legislative District
 - 16th Combat Aviation Brigade Report – Col. William A. Ryan, III, Commander
 - Citizen Taking Action Against Crime Award – Police Chief Blair

- 7:00 pm 7. PUBLIC COMMENTS – (At this time, citizens have three minutes to address the Council on any matter not scheduled for Public Hearing or Council Consideration. State law prohibits the use of this forum to promote or oppose any candidate for public office or ballot measure. Public comments are limited to three minutes. Please provide your name and address for the record.)

- 7:05 pm 8A. CONSENT AGENDA
Motion: Approve or Amend the Consent Agenda as Proposed

The Consent Agenda consists of items considered routine or have been previously studied and discussed by Council and for which staff recommendation has been prepared. A Councilmember may request that an item be removed for the Consent Agenda so that the Council may consider the item separately. Items on the Consent Agenda are voted upon as one block and approved with one vote.
A. Receive and File: Payroll and Claims.

COUNCIL CONSIDERATION – (The following item(s) will require Council action.)

- 7:10 pm 9. PLANNING COMMISSION MARIJUANA RESOLUTION
 - Staff Report
 - Public Comment
 - Council Consideration

- 7:25 pm 10. COUNCIL COMMENTS/REPORTS

RECESS TO STUDY SESSION – (At this time, Council will have the opportunity to study and discuss business issues with staff prior to its consideration. Citizen comment is not taken at this time; however, citizens will have the opportunity to comment on the following item(s) at future Council meetings.)

- 7:35 pm 11. CHAMBERS CREEK MASTER SITE PLAN
- 8:00 pm 12. SIGN CODE REGULATION AMENDMENTS (CONTINUATION OF FIRST STUDY)
- 9:00 pm 13. ADJOURNMENT

*PRELIMINARY CITY COUNCIL AGENDA

October 3, 2016
Regular Council Meeting

October 17, 2016
Regular Council Meeting

November 7, 2016
Regular Council Meeting

November 21, 2016
Regular Council Meeting

Preliminary City Council Agenda subject to change without notice*
Complete Agendas will be available 24 hours prior to scheduled meeting.
To obtain Council Agendas, please visit www.cityofup.com.

**American Disability Act (ADA) Accommodations Provided Upon Advance Request
Call the City Clerk at 253-566-5656**

APPROVAL OF MINUTES

**CITY OF UNIVERSITY PLACE
DRAFT MINUTES
Regular Meeting of the City Council
Tuesday, September 6, 2016
City Hall, Windmill Village**

1. CALL REGULAR MEETING TO ORDER

Mayor Figueroa called the Regular Meeting to order at 6:30 p.m.

2. ROLL CALL

Roll call was taken by the City Clerk as follows:

Councilmember Belleci	Present
Councilmember Grassi	Present
Councilmember McCluskey	Present
Councilmember Nye	Present
Councilmember Worthington	Present
Mayor Pro Tem Keel	Present
Mayor Figueroa	Present

Staff Present: City Manager Sugg, City Attorney Victor, Planning and Development Services Director Swindale, Deputy Finance Director Blaisdell, and City Clerk Genetia.

3. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Keel led the Pledge of Allegiance.

4. APPROVAL OF MINUTES

MOTION: By Councilmember Belleci, seconded by Councilmember McCluskey, to approve the minutes of August 15, 2016 (Special and Regular Meetings) and August 22, 2016 as submitted.

The motion carried.

5. APPROVAL OF AGENDA

MOTION: By Councilmember Belleci, seconded by Councilmember McCluskey, to approved the agenda as amended.

The motion carried.

AMENDED MOTION: By Mayor Figueroa, seconded by Mayor Pro Tem Keel, to amend the agenda to table Items 10 and 11 to a future meeting and to extend the time for discussion of Item 12 for one hour and forty minutes.

The motion carried.

6. PUBLIC COMMENTS – The following individual provided public comment: *Christie Stanley, Gig Harbor.*

7. CONSENT AGENDA

MOTION: By Councilmember Belleci, seconded by Mayor Pro Tem Keel, to approve the Consent Agenda as follows:

- A. Receive and File: Payroll for the period ending 08/15/16, dated 08/19/16, in the total amount of Two Hundred Nineteen Thousand Five Hundred Nine and 73/100 Dollars (\$219,509.73); Claims dated 08/31/16, check nos. 51978618 through 51978691, and wire no. 8182016, in the total amount of One Million Two Hundred Ninety-Four Thousand Two Hundred Eleven and 75/100 Dollars (\$1,294,211.75).
- B. Receive and File: 2016 Second Quarter Financial Report.
- C. Confirm Greg Taylor's appointment to the Parks and Recreation Commission for a four-year term ending January 31, 2020.
- D. Adopt a resolution establishing the City Council's collective goals and outcomes for the 2017-2018 biennium.

The motion carried.

COUNCIL CONSIDERATION

8. BONDS REFUNDING ORDINANCE

Staff Report – Deputy Finance Director Blaisdell presented an ordinance authorizing the issuance of Limited Tax General Obligation (LTGO) Refunding Bonds. The City issued LTGO Bonds in 2005, 2007, and 2009 for refunding and new money for capital expenditure purposes, including portions of the Town Center, road projects, and the Civic Building. She stated that with interest rates near historical lows, City staff have evaluated refunding options and determined that portions of each of these LTGO Bonds can be refunded for substantial debt service savings. The average interest rate on the LTGO Bonds to be refunded is approximately 5.28%, while the current market interest rate is approximately 3.0%. She indicated that there is no new money included in this issue - it is strictly a refinancing of certain existing debt to a lower interest rate. The ordinance delegates to certain City staff the ability to finalize the refunding terms, subject to parameters in Section 11 of the Ordinance to meet a minimum of \$1 million net present value savings, and to ensure that the authorized par amount is no more than \$22 million. She also noted that the City received an AA Bond rating from S&P for this issue. The current timeline to proceed with the issue is on September 15 and closes on September 29, however, the timeline may be adjusted based on market conditions.

Public Comment – None.

Council Consideration – **MOTION:** By Councilmember Grassi, seconded by Councilmember Belleci, to pass an ordinance authorizing the issuance of Limited Tax General Obligation Refunding Bonds in the aggregate principal amount not to exceed \$22,500,000 for the purpose of refunding certain outstanding Limited Tax General Obligation Bonds of the City and paying costs of issuing the bonds; delegating certain authority to approve the final terms of the bonds; and authorizing other matters related thereto.

The motion carried. (ORDINANCE NO. 674)

9. COUNCIL COMMENTS/REPORTS

City Manager Sugg updated Council on the roadway improvement projects currently underway on Bridgeport Way and Mildred Street.

Councilmember McCluskey gently reminded the public to be more cautiously aware of traffic now that the kids are back in school. She noted that a traffic reduction sign has been installed around Charles Wright.

Councilmember Worthington reported on the topics discussed at the Pierce County Cities and Towns meeting he attended. He indicated that there is a potential request for a letter of endorsement from cities and towns for keeping the right-of-ways of the John Wayne Trails intact. He also talked about Dr. Chen's (Health Director) presentation where cities were asked to consider health in all existing and future policy discussions. A copy of a potential resolution will be distributed to Council in the event it wishes to support such action.

Mayor Figueroa updated Council on his meetings with state legislators/representatives. He advised the Council that the legislators are being invited back in October to report on the legislative requests/needs presented to them by the City.

At 6:53 p.m., a motion was made and was carried to conclude the business meeting and recess to Study Session.

STUDY SESSION

10. CODE ENFORCEMENT INTERNAL CONSISTENCY AMENDMENTS – Tabled to a future meeting.

11. ZONING CODE AND PUBLIC WORKS STANDARDS INTERNAL CONSISTENCY AMENDMENTS – Tabled to a future meeting.

12. SIGN REGULATION AMENDMENTS

Planning and Development Services Director Swindale provided a report on the Planning Commission's recommendation and proposed amendments to the City's Sign Code. Council directed the Planning Commission to review nine specific provisions in the City's Sign Code, including the purpose statement, applicability, real-estate and residential open house signs, off-premise signs for abutting properties, window signs, neon signs in the Town Center Overlay Zone, banners, changing message signs, and billboards. Director Swindale discussed how the U.S. Supreme Court's decision in Reed v Town of Gilbert, Arizona, affects the City's sign code regulation. He advised Council that at this time, the Planning Commission determined, based on the City Attorney's advice, to take a wait and see approach with regards to compliance with the Court's issued decision. The Council reviewed, discussed and provided comments on the proposed amendments on Sections 19.75.10 (Purpose), 19.75.030, 19.75.080 (Definitions/Specific Sign Requirements), and 19.75.050(C) (Permit Issuance) of the Code. The review of the remaining amended sections will continue at the next scheduled meeting. Staff will provide a summary of the noted Council suggestions for review and consideration.

13. ADJOURNMENT - The meeting adjourned at 8:56 p.m. No other action was taken.

Submitted by,

Emy Genetia
City Clerk

CITY OF UNIVERSITY PLACE PROCLAMATION

WHEREAS, in 1928, the Tacoma Garden Club established a plan to commemorate those who served in World War I; and

WHEREAS, individual citizens and organizations in Pierce County funded the placement of 500 northern scarlet, english, and red oak trees; and

WHEREAS, this tree-lined memorial boulevard was planted along the Pacific Highway (now I-5) from the Nisqually River to Ponders Station; and

WHEREAS, each tree memorializes an individual, organization, or military unit that served during World War I; and

WHEREAS, many of the trees are visibly marked by a copper plaque set in stone recording the name of the honored person or organization; and

WHEREAS, those honored and commemorated represented all areas of the nation; and

WHEREAS, on March 16, 1928, the “Boulevard of Remembrance” was formally dedicated by local and state leaders; and

WHEREAS, in the decades that followed, a large portion of the memorial was destroyed by expanding roadways and freeway construction, thereby reducing the number of trees on the “Boulevard of Remembrance” from 500 to 66; and

WHEREAS, in the 1980s, a group of local preservationists, including Charlotte Medlock (b. 1925), waged a successful campaign to save the 66 surviving trees; and

WHEREAS, in 1989, Pierce County Resolution R89-164 recognized the importance of preserving the “Boulevard of Remembrance” as a visible commemoration of the sacrifices many bore in the defense of our nation; and

WHEREAS, the 66 remaining trees located along I-5, from the Nisqually River to Ponders Corner and Fort Lewis, continue to honor our World War I veterans, organizations, and other individuals who contributed to the war effort; and

WHEREAS, this stretch of highway runs through Joint Base Lewis McChord and communities which are home to many military members and veterans, and

WHEREAS, through a collaborative effort of local and state leaders, a request has been made to the Washington State Department of Transportation to officially name the area of I-5 from mile post 116 (Mounts Road exit), to mile post 125 (McChord exit) the “Remembrance Corridor;” and

WHEREAS, a further request has been made for the placement of a “Remembrance Corridor” sign at the entrance of this area, as well as a historical marker, accessible for public viewing, describing the history and significance of the memorial; and

NOW, THEREFORE, the City Council of the City of University Place supports the naming of the “Remembrance Corridor,” the placement of a historical marker, and the on-going efforts to preserve the surviving trees.

PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON ON SEPTEMBER 6, 2016.

Javier H. Figueroa, Mayor

ATTEST:

Emy Genetia, City Clerk

APPROVAL OF CONSENT AGENDA

Control No.: 57	Agenda of: 09/19/16	PREPAY
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Claim of: Payroll for Pay Period Ending 08/31/16

Check #	Date	Amount	Check #	Date	Amount
318693	09/02/16	46.17	318694	09/02/16	691.25

09/02/16 129,037.79 DIRECT DEPOSIT

EMPLOYEE NET 129,775.21

318695	09/02/16	339.50	IUOE LOCAL 612
318696	09/02/16	4,080.96	IUOE LOCALS 302/612 TRUST FUND
318697	09/02/16	173.30	MALAIER, TRUSTEE, MICHAEL G.
318698	09/02/16	247.97	OHIO CHILD SUPPORT PMT CENTRAL

WIRE	09/02/16	63,648.43	AWC EMPLOYEE BENEFIT TRUST
WIRE	09/02/16	26,150.78	BANK OF AMERICA
WIRE	09/02/16	18,693.93	- 106006, VANTAGEPOINT TRANSF
WIRE	09/02/16	6,996.80	- 304197, VANTAGEPOINT TRANSF
WIRE	09/02/16	4,153.09	- 800263, VANTAGEPOINT TRANSF
WIRE	09/02/16	28,663.56	WA STATE DEPT OF RETIREMENT SY
WIRE	09/02/16	2,205.33	UNUM LIFE INSURANCE COMPANY
WIRE	09/02/16	736.80	UNUM LIFE INSURANCE COMPANY
WIRE	09/02/16	736.25	PACIFIC SOURCE ADMINISTRATORS
WIRE	09/02/16	0.00	PACIFIC SOURCE ADMINISTRATORS
WIRE	09/02/16	2,788.11	- 106006 LOAN, VANTAGEPOINT
WIRE	09/02/16	79.90	AFLAC INSURANCE
WIRE	09/02/16	890.30	WA ST DEPT OF RETIREMENT SYS
WIRE	09/02/16	519.91	- 304197 LOAN, VANTAGEPOINT TR
WIRE	09/02/16	250.00	NATIONWIDE RETIREMENT SOLUTION
WIRE	09/02/16	25.00	- 705544, VANTAGEPOINT TRANSF

BENEFIT/DEDUCTION AMOUNT 161,379.92

TOTAL AMOUNT 291,155.13

Preparer Certification:

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the above-named governmental unit, and that I am authorized to authenticate and certify to said claim.

Signed: _____ (Signature on file.)

_____ Date

Steve Sugg, City Manager

FINAL CHECK LISTING
CITY OF UNIVERSITY PLACE

Check Date: 09/15/16

Check Range: 51978694-51978750 Wire Transfer: 18859261

Claims Approval

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of University Place, and that I am authorized to authenticate and certify to said claim.

I also certify that the following list of checks were issued to replace previously issued checks that have not been presented to the bank for payment. The original check was voided and a replacement check issued.

Vendor Name

Replacement Check #

Original Check #

Auditing Officer: (Signature on file.)

Date: _____

Bank : bofa BANK OF AMERICA

Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
18859261	9/15/2016	002072	WA STATE DEPT OF REVENUE	AUG16	9/9/2016	AUG16/B&O TAX/SWM FEES	172.62	172.62
		Voucher: 41156						
51978692	9/1/2016	001736	TACOMA COMMUNITY COLLEGE FALL2016		8/31/2016	TRAINING CLASS/L.HANDS	597.05	597.05
		Voucher: 41147						
51978693	9/1/2016	021750	SHRM	9006788147	8/29/2016	TRAINING/HR SCP CERT/L. HANI	1,095.00	1,095.00
		Voucher: 41142						
51978694	9/15/2016	025179	ACCESS INFORMATION MANAGE1584108		8/31/2016	SEPT16/OFFSITE RECORDS STC	251.67	251.67
		Voucher: 41101						
51978695	9/15/2016	026021	ACE CONSTRUCTION SERVICES REFUND		9/1/2016	REFUND/BUSINESS LICENSE	50.00	50.00
		Voucher: 41102						
51978696	9/15/2016	001171	AMERICAN PLANNING ASSOCIAT090800-1673		7/28/2016	ANNUAL MEMBERSHIP DUES/D.	524.00	524.00
		Voucher: 41103						
51978697	9/15/2016	025986	AUSTINCINA ARCHITECTS INC P:724		8/25/2016	CIVIC CENTER PROGRAMMING/I	1,650.00	1,650.00
		Voucher: 41104						
51978698	9/15/2016	002333	BANK OF AMERICA	548001400009914	8/22/2016	MASTERCARD/8-22-16	8,810.64	8,810.64
		Voucher: 41105						
51978699	9/15/2016	021643	BLAISDELL, LESLIE	SEPT16/WFOA	6/6/2016	PER DIEM/WFOA CONF/SPOKAN	108.00	108.00
		Voucher: 41106						
51978700	9/15/2016	025428	CAPITAL ONE COMMERCIAL/COS7003-7301-0003-1		8/26/2016	7003-7301-0003-1024/COSTCO	339.46	339.46
		Voucher: 41107						
51978701	9/15/2016	001152	CENTURYLINK	206-Z20-0051	8/20/2016	PHONES/CITY WIDE	2,400.00	
		Voucher: 41108		1385743296	8/23/2016	PHONES/LONG DISTANCE/INTEF	1,566.84	
				253-584-0775	9/1/2016	PHONE/KOBAYASHI	53.78	4,020.62
51978702	9/15/2016	003056	CITY OF LAKEWOOD	MC-00094	9/2/2016	SEPT16/COURT SERVICES	12,304.00	12,304.00
		Voucher: 41109						
51978703	9/15/2016	025790	CITY OF TOPPENISH	AUG16	9/2/2016	AUG16/JAIL SERVICES	1,085.00	1,085.00
		Voucher: 41110						

Bank : bofa BANK OF AMERICA

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
51978705	9/15/2016	001024 CITY TREASURER	100668537	8/11/2016	WATER/7150 CIRQUE DR W	7,745.10	
	Voucher:	41111	100385145	8/23/2016	WATER/3800 74TH AVE W	2,163.26	
			100068203	8/29/2016	POWER/3715 BP WAY W	1,524.83	
			100358203	8/11/2016	POWER/7150 CIRQUE DR W	977.67	
			100110228	9/1/2016	POWER/3715 BP WAY W, #B5	898.62	
			100939530	9/1/2016	POWER/3555 MARKET PL W	837.50	
			100961315	8/12/2016	WATER/4399 ELWOOD DR W	293.44	
			100668525	8/24/2016	WATER/4499 ALAMEDA AVE W	269.81	
			100668506	8/30/2016	WATER/5700 HANNAH PIERCE R	268.46	
			100668518	9/2/2016	WATER/9600 64TH ST W	264.91	
			100955345	9/1/2016	WATER/3715 BP WAY W	223.01	
			100668502	8/11/2016	WATER/7820 CIRQUE DR W	185.85	
			100668522	9/2/2016	WATER/8902 CHAMBERS CREEK	185.35	
			100751205	9/1/2016	WATER/3555 MARKET PL W/HSE	162.52	
			100142834	9/1/2016	WATER/3715 BP WAY W	162.52	
			100897062	9/1/2016	WATER/3600 DREXLER DR W	98.39	
			100892486	8/30/2016	POWER/6400 BP WAY W	74.57	
			100963867	8/12/2016	4411 ELWOOD DR W/POWER	67.17	
			100495884	9/1/2016	POWER/3625 DREXLER DR W	66.63	
			100696565	8/24/2016	POWER/4609 ALAMEDA AVE W	65.24	
			100573267	8/24/2016	POWER/4727 ALAMEDA AVE W	60.74	
			100955347	9/1/2016	POWER/3715 BP WAY W #E HSE	58.32	
			100104132	8/25/2016	POWER/3503 67TH AVE W	57.09	
			100951901	9/2/2016	POWER/7723 CHAMBERS CREEK	50.32	
			100714386	9/1/2016	POWER/3609 MARKET PL W, #20	50.14	
			100312960	9/1/2016	POWER/3715 BP WAY W, #A2	49.83	
			100105615	9/1/2016	POWER/3503 BP WAY W	48.93	
			100312961	9/7/2016	POWER/3715 BP WAY W, #A3	45.75	
			100060658	8/25/2016	POWER/3510 67TH AVE W	41.55	
			100456986	8/30/2016	POWER/5918 HANNAH PIERCE F	36.90	
			100312900	9/1/2016	POWER/3715 BP WAY W, #E3	30.95	
			100533758	8/30/2016	POWER/5418 CIRQUE DR W	29.98	
			100052902	9/1/2016	POWER/3715 BP W WAY W/HOUSE	27.87	
			100156353	9/1/2016	POWER/4720 BP WAY W	27.79	
			100445063	9/1/2016	POWER/3715 BP WAY W, #E2	27.63	

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
			100737857	9/2/2016	POWER/2101 MILDRED ST W	25.85	
			100955346	9/1/2016	POWER/3715 BP WAY W #D HSE	24.93	
			100079046	9/1/2016	POWER/3715 BP WAY W, #D5	20.47	
			100079031	9/1/2016	POWER/3715 BP WAY W, #D4	19.07	
			100312905	9/1/2016	POWER/3715 BP WAY W, #A-3A	19.00	
			100302273	9/1/2016	POWER/3715 BP WAY W, #D2	19.00	
			100312959	9/1/2016	POWER/3715 BRIDGEPORT WAY	19.00	
			100802489	9/1/2016	POWER/3904 BP WAY W	11.27	
			100086165	9/1/2016	POWER/7813 44TH ST W	3.72	
			100086155	9/1/2016	POWER/7801 40TH ST W	3.72	17,344.67
51978706	9/15/2016	025161 CITY TREASURER	716	7/31/2016	JULY16/UPTV CHANNEL GUIDE L	92.70	
	Voucher:	41112	816	8/31/2016	AUG16/UPTV CHANNEL GUIDE L	92.70	185.40
51978707	9/15/2016	002060 CODE PUBLISHING COMPANY IN	54194	8/29/2016	MUNICIPAL CODE/ELECTRONIC	1,435.88	1,435.88
	Voucher:	41113					
51978708	9/15/2016	023782 COMPLETE OFFICE SOLUTIONS,	1419468-0	8/26/2016	PAPER/FOLDER/DEV SERVICES	831.79	
	Voucher:	41114	1417695-0	8/23/2016	LAMINATOR/BUNDLE/PW SHOP	540.64	
			1421910-0	9/1/2016	TONER	163.01	
			1417353-0	8/23/2016	INDEX/PENS/ATTORNEY OFFICE	125.44	
			1415097-0	8/17/2016	PAPER/HR	39.76	
			1419354-0	8/26/2016	FOLDER/PAPER/HR	37.98	
			1416836-0	8/24/2016	ENVELOPES/REC	29.21	
			1417353-1	8/25/2016	CLIP/BINDERS/ATTORNEY OFFIC	0.59	
			C1416310-0	8/23/2016	CREDIT/LAMINATOR/BUNDLE PA	-540.64	1,227.78
51978709	9/15/2016	002066 CONSOLIDATED ELECTR.DIST.C	(8541-422095	9/1/2016	SCHEDULE-40 CONDUIT/90D PV	140.89	140.89
	Voucher:	41115					
51978710	9/15/2016	024347 COPIERS NORTHWEST, INC.	INV1433244	8/30/2016	AUG28-SEPT27/BASE RATE/JUL2	185.23	
	Voucher:	41116	INV1430225	8/23/2016	MAY22-AUG21/CONTRACT OVEF	157.20	
			INV1430224	8/23/2016	AUG22-SEPT21/CONTRACT LEA	105.46	447.89
51978711	9/15/2016	002878 DELL MARKETING L.P.	XK19833C1	8/15/2016	PRECISION WORKSTATION/MINI	2,841.18	2,841.18
	Voucher:	41117					
51978712	9/15/2016	021938 DLT SOLUTIONS	4518129A	9/8/2016	AUTODESK INFRASTRUCTURE I	4,251.34	4,251.34
	Voucher:	41118					
51978713	9/15/2016	001737 DON SMALL & SONS OIL DIST	CC103321	8/23/2016	BULK FUEL/PW SHOP	2,603.67	2,603.67
	Voucher:	41119					

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total	
51978714	9/15/2016	002568	FIRST STUDENT	229-C-069500	8/26/2016	BUS/CAMP UPLAY/VARIOUS FIEL	603.25	603.25
		Voucher: 41120						
51978715	9/15/2016	001212	GRAY & OSBORNE INC	14464.02	8/15/2016	ENGINEERING SVCS/SOUNDVIE	53,731.49	53,731.49
		Voucher: 41121						
51978716	9/15/2016	002220	HANDS, LISA	REIMB/TUITION	8/16/2016	REIMB/TUITION/INTRO TO SOC &	997.34	997.34
		Voucher: 41122						
51978717	9/15/2016	001222	HOME DEPOT CREDIT SERVICES	6035-3225-0105-0	8/28/2016	MISC REPAIR & MAINT SUPPLIES	104.78	104.78
		Voucher: 41123						
51978718	9/15/2016	001223	HUMANE SOCIETY OF TACOMA	IVC0001689	9/1/2016	SEPT16/BOARDING CONTRACT	100.00	100.00
		Voucher: 41124						
51978719	9/15/2016	026024	KAIJA, MONICA	REFUND	9/8/2016	REFUND/SR. CENTER DAMAGE I	200.00	200.00
		Voucher: 41125						
51978720	9/15/2016	022801	KATE MCDERMOTT	AUGUST16	8/31/2016	HEADLINES COPY	812.50	
		Voucher: 41126		AUG16	8/31/2016	TALKING UP/JUN, JUL, AUG ISSL	510.00	1,322.50
51978721	9/15/2016	021616	KELLEY IMAGING SYSTEMS	19295115	8/29/2016	LEASE/SHARP MX5111N COPIER	386.69	386.69
		Voucher: 41127						
51978722	9/15/2016	026017	LAND DEVELOPMENT CONSULTA	PARTIAL REFUND	8/31/2016	PARTIAL REFUND/APPEAL ADMII	875.40	875.40
		Voucher: 41128						
51978723	9/15/2016	023115	LEMAY MOBILE SHREDDING	4489873	9/1/2016	AUG16/DOCUMENT SHREDDING	34.80	34.80
		Voucher: 41129						
51978724	9/15/2016	001243	LLOYD ENTERPRISES INC	197777	8/17/2016	HAUL WASTE/TRUCK RENTAL	1,040.00	1,040.00
		Voucher: 41130						
51978725	9/15/2016	001258	MCCARTHY & CAUSSEAU	234	8/31/2016	AUG16/HEARING EXAMINER SEF	2,107.33	2,107.33
		Voucher: 41131						
51978726	9/15/2016	025291	MCCLUSKEY, DENISE	REIMB	9/6/2016	REIMB/SUPPLIES FOR 16TH CAE	97.88	97.88
		Voucher: 41132						

Bank : bofa BANK OF AMERICA

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
51978727	9/15/2016	001378	MOUNTAIN MIST WATER	000814883	8/9/2016	#075361/BOTTLED WATER/CITY I	66.75
	Voucher:	41133		000814900	8/9/2016	#075361/BOTTLED WATER/PW SI	42.25
				000841046	8/23/2016	#075361/BOTTLED WATER/CITY I	33.50
				000841021	8/23/2016	#075361/BOTTLED WATER/CITY I	33.50
				000841011	8/23/2016	#075361/BOTTLED WATER/PW SI	23.00
				000814914	8/9/2016	#068332/BOTTLED WATER/CM O	21.72
				000846972	8/25/2016	#031650/BOTTLED WATER/SR CE	17.75
				000820584	8/11/2016	#031650/BOTTLED WATER/SR CE	16.00
				000841022	8/31/2016	#065205/BOTTLED WATER/COUM	14.31
				000817041	8/10/2016	#075361/BOTTLED WATER/REC C	12.50
				000841023	8/23/2016	#068332/BOTTLED WATER/CM O	11.50
				000857325	8/29/2016	#075361/BOTTLED WATER/REC C	8.75
				000841019	8/23/2016	#066460/BOTTLED WATER/FITNE	8.56
							310.09
51978728	9/15/2016	001095	NEWS TRIBUNE	I02602397-080420	8/6/2016	CITY OF UP/MOVIE NIGHT/FLYEF	150.00
	Voucher:	41134		I02622784-081720	8/17/2016	ORD PUBLICATION/#673	123.97
				I02598872-080320	8/3/2016	ORD PUBLICATOIN/#672	118.61
				I02603261-080520	8/5/2016	COMP PLAN AMENDMENT/PLN A	107.89
				I02602397-080520	8/5/2016	AD/CITY OF UP/MOVIE NIGHT	105.04
				I02602397-080620	8/6/2016	AD/CITY OF UP/MOVIE NIGHT	105.04
							710.55
51978729	9/15/2016	024139	P.C.COMMUNITY NEWSPAPER GI8708		8/26/2016	AUG26 ISSUE DATE/UP PRESS C	1,846.15
	Voucher:	41135					1,846.15
51978730	9/15/2016	025172	PACIFIC NORTHWEST CONSULTI082816		8/8/2816	CONSULTING SERVICE/COUNCIL	577.13
	Voucher:	41136					577.13
51978731	9/15/2016	001109	PIERCE COUNTY BUDGET & FIN/CI-220371		8/23/2016	JUL16/TRAFFIC OPERATIONS M/	13,730.28
	Voucher:	41137		CI-221117	9/7/2016	3RDQTR16/MEMBERSHIP DUES/	13,026.30
				CI-220541	8/30/2016	JUL16/ANIMAL CONTROL & SHEI	9,061.53
							35,818.11

Bank : bofa BANK OF AMERICA

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
51978732	9/15/2016	001588	PIERCE COUNTY SEWER	00664685	9/1/2016	SEWER/4951 GRANDVIEW DR W	176.86
	Voucher:	41138		00566276	9/1/2016	SEWER/3715 BP WAY W	134.19
				00000591	9/1/2016	SEWER/2534 GRANDVIEW DR W	76.00
				01576739	9/1/2016	SEWER/3609 MARKET PL W/RET	37.22
				01576721	9/1/2016	SEWER/3609 MARKET PL W/RET	37.22
				01576712	9/1/2016	SEWER/3609 MARKET PL W/RET	37.22
				01571443	9/1/2016	SEWER/7520 CIRQUE DR W	33.34
				00604682	9/1/2016	SEWER/2917 MORRISON RD W	25.58
				01633279	9/26/2016	SEWER/1902 SEAVIEW AVE W	17.83
				01512692	9/1/2016	SEWER/3555 MARKET PL W	17.83
							593.29
51978733	9/15/2016	001114	PITNEY BOWES GLOBAL FIN. SV(AUG16		8/31/2016	AUG16/ACCT19533470/POSTAGE	600.00
	Voucher:	41139					600.00
51978734	9/15/2016	001161	PUGET SOUND ENERGY CORP	300000009641	9/1/2016	GAS/3715 BP WAY W, #D2 & #A3	77.44
	Voucher:	41140		300000010987	9/1/2016	GAS/3715 BP WAY W, #E2	60.56
				200014542258	8/29/2016	GAS/7450 MARKET SQ W	53.17
				200017087624	8/31/2016	GAS/2534 GRANDVIEW DR W	42.88
				200000971479	8/25/2016	GAS/4910 BRISTONWOOD DR W	38.19
				220008861142	9/8/2016	GAS/3715 BP WAY W, #BLDG D1	38.19
							310.43
51978735	9/15/2016	026020	RW4 CONSULTING LLC	REFUND	9/2/2016	REFUND/BUSINESS IS NOT IN UI	50.00
	Voucher:	41141					50.00
51978736	9/15/2016	025931	SLA CORPORATION	08162016-42	8/22/2016	JUL20-AUG19/MONTHLY ESCHA	73.12
	Voucher:	41143					73.12
51978737	9/15/2016	025855	SMARSH, INC.	INV00176822	8/31/2016	AUG16/MEDIA ARCHIVING SERV	150.00
	Voucher:	41144					150.00
51978738	9/15/2016	002613	SUPERIOR LINEN SERVICE,INC.	67392	8/24/2016	OFFICE MAT RENTAL/PW SHOP	89.00
	Voucher:	41145					89.00
51978739	9/12/2016	001320	SWINDALE, DAVID J	SEPT16/CHELAN	9/8/2016	PER DIEM & MILEAGE/DIRECTOR	260.00
	Voucher:	41146					260.00
51978740	9/15/2016	001496	TACOMA RUBBER STAMP, INC.	I-575657-1	8/24/2016	PLASTIC MATERIAL/CIDER SQUE	63.99
	Voucher:	41148					63.99
51978741	9/15/2016	025311	TACOMA WINSUPPLY, INC.	03057700	8/19/2016	IRRIGATION REPAIRS/CIRQUE/N	216.57
	Voucher:	41149					216.57

Bank : bofa BANK OF AMERICA

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Check #	Date	Vendor	Invoice	Inv Date	Description	Amount Paid	Check Total
51978742	9/15/2016	025832 U.S. BANK ST. PAUL	4362909	7/25/2016	UNIPLGOREF05/ADMIN FEES	300.00	
	Voucher:	41150	4362906	7/25/2016	UNIPLLTGO07A/ADMIN FEES	300.00	
			4362904	7/25/2016	UNIPLLTGO07C/ADMIN FEES	300.00	
			4362907	7/25/2016	UNILTGO09A/ADMIN FEES	300.00	
			4362910	7/25/2016	UNILTGO09B/ADMIN FEES	300.00	
			4362903	7/25/2016	UNIPLTGOR12A/ADMIN FEE	300.00	
			4362905	7/25/2016	UNIPLTGOR12B/ADMIN FEES	300.00	2,100.00
51978743	9/15/2016	025560 UNIVERSITY PLACE CIVIC BLDG 23		9/21/2016	2016 OPERATING ACCT FUNDING	102,633.66	102,633.66
	Voucher:	41151					
51978744	9/15/2016	001332 UNIVERSITY PLACE TIRE CENTE 18062		9/7/2016	FLAT REPAIR/FORD RANGER	18.54	18.54
	Voucher:	41152					
51978745	9/15/2016	025336 US BANK	745000006	8/31/2016	CUSTOMER #745000006/AUG16/1	24.00	24.00
	Voucher:	41153					
51978746	9/15/2016	024567 VALLANTYNE, GLENN	SEPT16	9/8/2016	MICROSOFT TRAINING CONFER	1,848.94	1,848.94
	Voucher:	41154					
51978747	9/15/2016	002610 WA STATE DEPT OF LICENSING	09082016	9/8/2016	NOTARY FEE/ASSOC DUES/K.DF	30.00	
	Voucher:	41155	9082016	9/8/2016	NOTARY FEE/ASSOC DUES/B.NC	30.00	60.00
51978748	9/15/2016	024399 WELLS FARGO FINANCIAL LEASING	5003308081	8/19/2016	SEPT15-OCT14/LEMARK PRINTE	95.07	
	Voucher:	41157	5003317050	8/22/2016	SEPT19-OCT18/LEMARK PRINTE	95.00	190.07
51978749	9/15/2016	001781 WILLIAMS OIL FILTER SERVICE	C221751	8/30/2016	VACTOR TRUCK REPAIR/INSTAL	26.28	26.28
	Voucher:	41158					
51978750	9/15/2016	026019 YEMEN SIDR HONEY LLC	REFUND	8/26/2016	REFUND/BUSINESS LICENSE/NC	50.00	50.00
	Voucher:	41159					
Sub total for BANK OF AMERICA:							271,708.14

59 checks in this report.

Grand Total All Checks: 271,708.14

COUNCIL CONSIDERATION

**Business of the City Council
City of University Place, WA**

Proposed Council Action:

Adopt a Resolution requesting that the City Planning Commission review Municipal Code provisions regarding zoning and development conditions which would apply to State-licensed and regulated marijuana uses, if the Council chose to allow such uses in the City, and provide recommendations to the City Council.

Agenda No: 9
Dept. Origin: City Attorney
For Agenda of: September 19, 2016
Exhibits: Resolution

Concurred by Mayor: _____
Approved by City Manager: _____
Approved as to Form by City Atty.: _____
Approved by Finance Director: _____
Approved by Dept. Head: _____

Expenditure Required: \$0.00	Amount Budgeted: \$0.00	Appropriation Required: \$0.00
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SUMMARY / POLICY ISSUES

While the City Code currently prohibits all marijuana uses in University Place, the Council may in the future reconsider said prohibition. In that event, having potential zoning regulation recommendations from the Planning Commission would assist the Council in its deliberations.

RECOMMENDATION / MOTION

MOVE TO: Adopt a Resolution requesting that the City Planning Commission review Municipal Code provisions regarding zoning and development conditions which would apply to State-licensed and regulated marijuana uses, if the Council chose to allow such uses in the City, and provide recommendations to the City Council.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, REQUESTING THAT THE CITY PLANNING COMMISSION REVIEW MUNICIPAL CODE PROVISIONS REGARDING ZONING AND DEVELOPMENT CONDITIONS WHICH WOULD APPLY TO STATE-LICENSED AND REGULATED MARIJUANA USES, IF THE COUNCIL CHOSE TO ALLOW SUCH USES IN THE CITY OF UNIVERSITY PLACE, AND PROVIDE RECOMMENDATIONS TO THE CITY COUNCIL

WHEREAS, the Revised Code of Washington 36.70A.040 requires the City to adopt development regulations which are consistent with and implement the Comprehensive Plan; and

WHEREAS, the City Code currently prohibits all marijuana uses in University Place; and

WHEREAS, the City Council may in the future reconsider the prohibition on State-licensed and regulated marijuana uses; and

WHEREAS, in the event the City Council chooses to reconsider the prohibition as to State-licensed and regulated marijuana uses, recommendations from the Planning Commission regarding potential zoning for all types of State-licensed and regulated marijuana uses may assist the Council in its deliberations; and

WHEREAS, in accordance with Council Rules, directives to the City's Commissions, including the Planning Commission, are to be in the form of a City Council Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AS FOLLOWS:

Section 1. The City Council hereby refers the existing City zoning and development regulations regarding State-licensed and regulated marijuana related uses to the Planning Commission, to seek public opinion, review and provide recommendations regarding the following:

1. In the event the City Council in the future determines to allow State-licensed and regulated marijuana uses in the City, recommend additional zones where such uses should be allowed including production, processing and retail sales; and
2. State law allows local jurisdictions to reduce some of the 1,000 foot buffers stipulated in State law. In the event the City Council in the future determines to allow State-licensed and regulated marijuana uses in the City, recommend any reductions of buffers where allowed by State law; and
3. If the prohibition in the current City Code were removed, marijuana uses would be subject to a conditional use permit process. In the event the City Council in the future determines to allow State-licensed and regulated marijuana uses in the City, should those uses remain subject to a conditional use permit, or be outright permitted, subject to specific development regulations; and
4. Prioritize this work to return any recommendations to the City Council within sixty (60) days.

Section 2. Reservation of Decision on Allowing Marijuana Uses to City Council. The decision of whether in the future State-licensed and regulated marijuana uses will be allowed in the City is wholly and solely the decision of the City Council. By referring these zoning and development issues for review to the Planning Commission, the City Council does not commit to making any change in the City's current Code.

Section 3. Effective Date. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL ON SEPTEMBER 19, 2016.

Javier H. Figueroa, Mayor

ATTEST:

Emy Genetia, City Clerk

APPROVED AS TO FORM:

Steve Victor, City Attorney

STUDY SESSION

CITY of UNIVERSITY PLACE
3715 Bridgeport Way West ♦ University Place, WA 98466
Phone (253) 566-5656 ♦ FAX (253) 460-2541

**PLANNING & DEVELOPMENT SERVICES DEPARTMENT
STAFF REPORT TO THE CITY COUNCIL**

September 6, 2016

SIGN CODE AMENDMENTS

SUBJECT: Sign Code Amendments

INTRODUCTION: The City Council will review sign code amendments recommended by the Planning Commission in response to City Council Resolution 743 and the U.S. Supreme Court Decision in *Reed v Town of Gilbert, Arizona*.

BACKGROUND: On February 3, 2014 the University Place City Council adopted Resolution 743 (Attachment A) requesting that the Planning Commission review nine specific provisions in the Sign Code. These include the purpose statement, applicability, real-estate and residential open house signs, off-premise signs for abutting properties, window signs, neon signs in the Town Center Overlay Zone, banners, changing message signs, and billboards. Council direction is provided related to each of the provisions.

The Resolution limited the Planning Commission review to only nine provisions and includes Council direction because the City Council determined that the remaining Sign Code provisions met with their approval. The 13-year process of bringing hundreds of signs into conformance with the Sign Code also was a factor in their decision

On June 18, 2015 the Supreme Court of the United States of America issued a decision in the case of *Reed v Town of Gilbert, Arizona* (Attachment B). Although the City Council wanted to limit the scope of the Planning Commission's review of the Sign Code, the City is required to comply with the decision in *Reed v Town of Gilbert* as is every sign code in the nation.

In *Reed*, the Supreme Court found that signs cannot be regulated based on content. Subsequent lower court decisions have ruled that *Reed* applies to non-commercial speech as opposed to commercial speech.

COMPREHENSIVE PLAN: The University Place Comprehensive Plan contains the following applicable policy:

Policy CC3D

Prohibit new billboards and other large signs, and use design review for new signage, to protect views of significant land forms and community features, ensure more focused views of buildings, landscaping and open space areas, and avoid visual clutter. Ensure development of appropriate design standards that address compatibility of signage to community character.

ORGANIZATION OF THE STAFF REPORT

This Staff Report lists proposed amendments by page number and section. Subsections or definitions are shaded followed by a brief description of the proposed amendment. Referring to the referenced pages in the Sign Code (Attachment C) as you review this Report will assist in understanding the brief explanations and reviewing the proposed amendments. A staff or Planning Commission recommendation follows the description of the proposed amendment. Staff recommendations are identified in green, Planning Commission recommendations are in blue.

PAGE 1 SECTION 19.75.10 **PURPOSE**

Council Direction: Should signs visible from the right-of-way and adjacent properties be regulated or just signs visible from the right-of-way?

Planning Commission Recommendation: *Signs visible from either the right-of-way or adjacent property should be regulated to prevent potential negative impacts associated with signs visible from residential properties.*

Council Direction: The City has multiple goals it is trying to achieve including promoting economic development and creating an attractive community. The Sign Code purpose statements should reflect our desire to balance these goals without promoting some goals at the expense of others. For example, the purpose statement: “Provide a reasonable balance between the right of an individual to identify a business and the right of the public to be protected against the unrestricted proliferation of signs;” can be interpreted as offensive to business interests

Planning Commission Recommendation: *Delete purpose statements A, H and I. H and I have been completed.*

PAGES 5 & 13 SECTIONS 19.75.030 & 080 **DEFINITIONS / SPECIFIC SIGN REQUIREMENTS**

Council Direction: Consider increasing the number of Off-Site Residential Open House A-board signs allowed. In addition to one non-illuminated real estate sign per lot for sale, the Sign Code allows three off-premises open house A-board signs during daylight hours only when a realtor, seller, or agent is on the property for sale.

Planning Commission Recommendation: Increase the number of off-site residential open house signs from 3 to 5, the size from 5 to 6 sq. ft. and maximum height from 6 to 10 feet. Define and allow signs at periphery of right-of-way.

Conflicting Provisions: Temporary signs allowed at periphery of right-of-way vs. not allowed in right-of-way. Title 13 prohibits temporary signs in the right-of-way except by right-of-way permit and approval by City Engineer. An amendment to Title 13 will be required to remove conflicting provisions.

PAGES 6 & 15 SECTIONS 19.75.030 & 080 DEFINITIONS / SPECIFIC SIGN REQUIREMENTS

Council Direction: The Sign Code allows up to 25% of an on-site sign to advertise an abutting off-site use. Consider allowing off-premise signs for contiguous properties that are otherwise landlocked and unable to be identified, located or advertised.

Planning Commission Recommendation: Allow an off-premise tenant to advertise on an existing on-premise sign in close proximity to them. Define tenant and close proximity.

PAGE 7 SECTION 19.75.050(C) PERMIT ISSUANCE

Request from Finance: Delete Temporary Sign Permit – Deposit. Rarely has any temporary sign permit applicant ever returned to reclaim their deposit. Over time this account has been growing with no expenditures.

Planning Commission Recommendation: Reverse fee and deposit amounts per Finance Department recommendation to promote compliance with temporary sign display periods. This will require an amendment to the City’s Fee Resolution.

PAGE 13 SECTION 19.75.080 SPECIFIC SIGN REQUIREMENTS TABLE

Council Direction and Reed: Banners are considered temporary signs that are allowed for up to 60 days a year. The 60 days may be consecutive or as defined at the time of permitting. The permit cost for a temporary banner is \$68.75 plus a \$26.45 refundable deposit. The time limit and permit fee may be discouraging business. These concerns should be weighed against allowing too many banners at once. The Planning Commission is requested to review and provide a recommendation regarding these issues.

- Planning Commission Recommendation:*
- *Reduce fee for temporary signs, increase deposit to encourage timely compliance.*
 - *Allow for up to 60 days or for duration of temporary event*
 - *Allow two banners and one A-board at the same time.*

- *Increase off-premise Event Sign size from 4 to 6 sq. ft., maximum height to 10 feet and number permitted to 6 for consistency with residential open house sign requirements.*
- *Regulate Political Signs on private property. On private property allow political signs up to 6 sq. ft. without a permit and up to 24 sq. ft. with a temporary sign permit.*
- *Provide definition of feather sign*

Council Direction: Changing message signs are only allowed in the auto-oriented Neighborhood Commercial Zone. City Council members expressed the following concerns which should be considered in any recommendation:

- i. Equality: Why are some businesses allowed changing message signs and others not?
- ii. Town Center: The City may want a changing message sign for the Town Center Project.
- iii. Public Notice: The City may want one or more public notice changing message signs providing digital information. A sign at the intersection of 67th Avenue and Regents Blvd. was mentioned.
- iv. Time and Temperature vs. Advertising: It does not make any sense to restrict some changing message signs to time and temperature only.
- v. Purpose of Zone: Changing message signs are only allowed in the Neighborhood Commercial Zone because it is an auto-oriented zone. The Town Center Overlay is a pedestrian-oriented zone. Are changing message signs desired in pedestrian-oriented zones? For example, should pedestrian-scaled changing message signs be allowed in pedestrian-oriented zones?
- vi. Proliferation: Given the density of businesses in some areas, allowing changing message signs could create sign blight and/or become overwhelming.
- vii. Shared Signs: A group of businesses such as those in the Narrows Plaza area may benefit from a shared changing message sign. A shared sign could address the equality issue without the proliferation of changing message signs.

Planning Commission Request: *A majority of the Planning Commission are in favor of allowing Changing Message Signs subject to conditions regulating their location and use. The Commission believes the amount of time needed to formulate a recommendation will be considerable and requests that Council indicate the priority of this topic related to the entire Planning Commission workplan.*

Council Direction: The City prohibited billboards, which made them nonconforming signs. While the City managed to bring all other nonconforming signs into compliance, the City has yet to have any billboards removed. Billboard companies are a business in themselves as opposed to signs which are an accessory use. Recognizing the difference and the difficulty in banning billboards, the City Council seeks a recommendation that maintains their nonconforming status, but does not require their complete removal.

Planning Commission Recommendation: *Maintain the status quo. Billboards are non-conforming, but will be allowed to remain until such time as they are removed or require repairs which amount to more than 50% of their value.*

Attachments:

- A. Resolution 743
- B. Supreme Court of the United States of America Decision-Reed v Town of Gilbert, Arizona
- C. Sign Code

ATTACHMENT A

RESOLUTION NO. 743

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, REQUESTING THE CITY PLANNING COMMISSION TO REVIEW AND RECOMMEND AMENDMENTS TO THE SIGN CODE

WHEREAS, the Revised Code of Washington 36.70A.040 requires the City to adopt development regulations which are consistent with and implement the Comprehensive Plan; and

WHEREAS, the City's Sign Code is codified in the University Place Municipal Code as Title 19. Zoning, 19.75 Signs; and

WHEREAS, on September 9, 2013, November 12, 2013 and January 21, 2014 the City Council of the City of University Place held study sessions to discuss the City's Sign Code; and,

WHEREAS, the City Council desires to refer the specific Sign Code Provisions to the City's Planning Commission for review and recommendation; and

WHEREAS, in accordance with Council Rules, directives to the City's Commissions including the Planning Commission are to be in the form of a City Council Resolution; and

WHEREAS, in accordance with Ordinance 338 the purpose of the Planning Commission is to advise the City Council on the following topics: growth management; general land use and transportation planning; long range capital improvement plans; and other matters as directed by the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AS FOLLOWS:

Section 1. Review and Recommendations to Specific Sign Code Provisions. The City Council directs the Planning Commission to review and make recommendations regarding only the following Sign Code provisions in accordance with Council direction given below:

A. Purpose Statement

Council Direction: The City has multiple goals it is trying to achieve including promoting economic development and creating an attractive community. The sign code purpose statements should reflect our desire to balance these goals without promoting some goals at the expense of others. For example, the purpose statement: "Provide a reasonable balance between the right of an individual to identify a business and the right of the public to be protected against the unrestricted proliferation of signs;" can be interpreted as offensive to business interests. Consider the public's interest in finding the location of businesses.

B. Applicability

Council Direction: The Sign Code regulates signs visible from the public right-of-way and/or surrounding properties. Should the Sign Code regulate signs visible only from streets and public property or from streets and all surrounding properties?

C. Real Estate and Residential Open House A-board Signs

Council Direction: Consider increasing the number of Off-Site Residential Open House A-board signs allowed. In addition of one non-illuminated real estate sign per lot for sale the Sign Code allows three off-

premise open house a-board signs during daylight hours only when a realtor, seller, or agent is on the property for sale.

D. Off-premise Sign for Abutting Properties

Council Direction: The Sign Code allows up to 25% of an on-site sign to advertise an abutting off-site use. Consider allowing off-premise signs for contiguous properties that are otherwise landlocked and unable to be identified, located or advertised.

E. Window Signs

Council Direction: In most commercial zones the City's design standards require 50% of the ground floor façade of a building be made of transparent glazing so that patrons can look out and the public can look into stores and businesses. Tenants often place multiple window signs, window coverings or obstructions effectively reducing the amount of transparent glazing to 25% percent or less, defeating the intent of the standard. Provide recommendations to align the sign code with the development regulations.

F. Neon Signs in Town Center Overlay Zone

Council Direction: Neon signs have been described as warm, inviting and effective means of advertizing that can be seen from a distance. Others are concerned about the visual impact of multiple colored neon signs. Neon Signs are prohibited in the Town Center Overlay Zone by the Town Center Overlay Design Standards rather than the Sign Code. Any recommendation to amend this provision should be weighed with the impact of amending the Town Center Overlay Design Standards while under contract for its development. Include the current developers of the Town Center Overlay Zone in the discussion.

G. Banners

Council Direction: Banners are considered temporary signs that are allowed for up to 60 days a year. The 60 days may be consecutive or as defined at the time of permitting. The permit cost for a temporary banner is \$68.75 plus a \$26.45 refundable deposit. The time limit and permit fee may be discouraging business. These concerns should be weighed against allowing too many banners at once. The Planning Commission is requested to review and provide a recommendation regarding these issues.

U.S. Open Exception: Consider a separate ordinance providing an exception to the rules on banners and temporary signs during a period leading up to the USGA U.S. Open in June 2015, to promote the city and businesses in the City.

H. Changing Message Signs

Council Direction: Changing message signs are only allowed in the auto oriented Neighborhood Commercial zone. City Council members expressed the following concerns which should be considered in any recommendation:

- i. Equality: Why are some businesses allowed changing message signs and others not.
- ii. Town Center: The City may want a changing message sign for the Town Center Project
- iii. Public Notice: The City may want one or more public notice changing message signs providing digital information. A sign at the intersection of 67th Avenue and Regents Blvd. was mentioned.
- iv. Time and Temperature vs. Advertising: Does not make any sense to restrict some changing message signs to time and temperature only?

- v. Purpose of Zone: Changing message signs are only allowed in the Neighborhood Commercial zone because it is an auto oriented zone. The Town Center Overlay is a pedestrian oriented zone. Are changing message signs desired in pedestrian oriented zones? For example, should pedestrian scaled changing message sign be allowed in pedestrian oriented zones?
- vi. Proliferation: Given the density of businesses in some areas, allowing changing message signs could create sign blight and/or become overwhelming.
- vii. Shared Signs: A group of businesses such as those in the Narrows Plaza area may benefit from a shared changing message sign. A shared sign could address the equality issue without proliferation of changing message signs.

I. Billboards

Council Direction: The City prohibited billboards which made them nonconforming signs. While the City managed to bring all other nonconforming signs into compliance, the City has yet to have any billboards removed. Billboard companies are a business in themselves as opposed to signs which are an accessory use. Recognizing the difference and the difficulty in banning billboards, the City Council seeks a recommendation that maintains their nonconforming status, but does not require their complete removal.

Section 2. Effective Date. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE CITY COUNCIL ON FEBRUARY 3, 2014.

Denise McCluskey, Mayor

ATTEST:

Emelita Genetia, City Clerk

APPROVED AS TO FORM:

Steve Victor, City Attorney

ATTACHMENT B

(Slip Opinion)

OCTOBER TERM, 2014

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Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

REED ET AL. *v.* TOWN OF GILBERT, ARIZONA, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT

No. 13–502. Argued January 12, 2015—Decided June 18, 2015

Gilbert, Arizona (Town), has a comprehensive code (Sign Code or Code) that prohibits the display of outdoor signs without a permit, but exempts 23 categories of signs, including three relevant here. “Ideological Signs,” defined as signs “communicating a message or ideas” that do not fit in any other Sign Code category, may be up to 20 square feet and have no placement or time restrictions. “Political Signs,” defined as signs “designed to influence the outcome of an election,” may be up to 32 square feet and may only be displayed during an election season. “Temporary Directional Signs,” defined as signs directing the public to a church or other “qualifying event,” have even greater restrictions: No more than four of the signs, limited to six square feet, may be on a single property at any time, and signs may be displayed no more than 12 hours before the “qualifying event” and 1 hour after.

Petitioners, Good News Community Church (Church) and its pastor, Clyde Reed, whose Sunday church services are held at various temporary locations in and near the Town, posted signs early each Saturday bearing the Church name and the time and location of the next service and did not remove the signs until around midday Sunday. The Church was cited for exceeding the time limits for displaying temporary directional signs and for failing to include an event date on the signs. Unable to reach an accommodation with the Town, petitioners filed suit, claiming that the Code abridged their freedom of speech. The District Court denied their motion for a preliminary injunction, and the Ninth Circuit affirmed, ultimately concluding that the Code’s sign categories were content neutral, and that the Code satisfied the intermediate scrutiny accorded to content-neutral regulations of speech.

Held: The Sign Code’s provisions are content-based regulations of

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speech that do not survive strict scrutiny. Pp. 6–17.

(a) Because 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. *E.g.*, *R. A. V. v. St. Paul*, 505 U. S. 377, 395. Speech regulation is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. *E.g.*, *Sorrell v. IMS Health, Inc.*, 564 U. S. ___, ___–___. And courts are required to consider whether a regulation of speech “on its face” draws distinctions based on the message a speaker conveys. *Id.*, at ___. Whether laws define regulated speech by particular subject matter or by its function or purpose, they are subject to strict scrutiny. The same is true for laws that, though facially content neutral, cannot be “‘justified without reference to the content of the regulated speech,’” or were adopted by the government “because of disagreement with the message” conveyed. *Ward v. Rock Against Racism*, 491 U. S. 781, 791. Pp. 6–7.

(b) The Sign Code is content based on its face. It defines the categories of temporary, political, and ideological signs on the basis of their messages and then subjects each category to different restrictions. The restrictions applied thus depend entirely on the sign’s communicative content. Because the Code, on its face, is a content-based regulation of speech, there is no need to consider the government’s justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny. Pp. 7.

(c) None of the Ninth Circuit’s theories for its contrary holding is persuasive. Its conclusion that the Town’s regulation was not based on a disagreement with the message conveyed skips the crucial first step in the content-neutrality analysis: determining whether the law is content neutral on its face. A law that is content based on its face is subject to strict scrutiny regardless of the government’s benign motive, content-neutral justification, or lack of “animus toward the ideas contained” in the regulated speech. *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410, 429. Thus, an innocuous justification cannot transform a facially content-based law into one that is content neutral. A court must evaluate each question—whether a law is content based on its face and whether the purpose and justification for the law are content based—before concluding that a law is content neutral. *Ward* does not require otherwise, for its framework applies only to a content-neutral statute.

The Ninth Circuit’s conclusion that the Sign Code does not single out any idea or viewpoint for discrimination conflates two distinct but related limitations that the First Amendment places on government regulation of speech. Government discrimination among viewpoints

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is a “more blatant” and “egregious form of content discrimination,” *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829, but “[t]he First Amendment’s hostility to content-based regulation [also] extends . . . to prohibition of public discussion of an entire topic,” *Consolidated Edison Co. of N. Y. v. Public Serv. Comm’n of N. Y.*, 447 U. S. 530, 537. The Sign Code, a paradigmatic example of content-based discrimination, singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter.

The Ninth Circuit also erred in concluding that the Sign Code was not content based because it made only speaker-based and event-based distinctions. The Code’s categories are not speaker-based—the restrictions for political, ideological, and temporary event signs apply equally no matter who sponsors them. And even if the sign categories were speaker based, that would not automatically render the law content neutral. Rather, “laws favoring some speakers over others demand strict scrutiny when the legislature’s speaker preference reflects a content preference.” *Turner Broadcasting System, Inc. v. FCC*, 512 U. S. 622, 658. This same analysis applies to event-based distinctions. Pp. 8–14.

(d) The Sign Code’s content-based restrictions do not survive strict scrutiny because the Town has not demonstrated that the Code’s differentiation between temporary directional signs and other types of signs furthers a compelling governmental interest and is narrowly tailored to that end. See *Arizona Free Enterprise Club’s Freedom Club PAC v. Bennett*, 564 U. S. ___, ___. Assuming that the Town has a compelling interest in preserving its aesthetic appeal and traffic safety, the Code’s distinctions are highly underinclusive. The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town when other types of signs create the same problem. See *Discovery Network, supra*, at 425. Nor has it shown that temporary directional signs pose a greater threat to public safety than ideological or political signs. Pp. 14–15.

(e) This decision will not prevent governments from enacting effective sign laws. The Town has ample content-neutral options available to resolve problems with safety and aesthetics, including regulating size, building materials, lighting, moving parts, and portability. And the Town may be able to forbid postings on public property, so long as it does so in an evenhanded, content-neutral manner. See *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789, 817. An ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—*e.g.*, warning signs marking hazards on private property or signs directing traffic—might also survive strict scrutiny. Pp. 16–17.

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707 F. 3d 1057, reversed and remanded.

THOMAS, J., delivered the opinion of the Court, in which ROBERTS, C. J., and SCALIA, KENNEDY, ALITO, and SOTOMAYOR, JJ., joined. ALITO, J., filed a concurring opinion, in which KENNEDY and SOTOMAYOR, JJ., joined. BREYER, J., filed an opinion concurring in the judgment. KAGAN, J., filed an opinion concurring in the judgment, in which GINSBURG and BREYER, JJ., joined

ATTACHMENT C

Chapter 19.75 SIGNS

Sections:

- [19.75.010](#) Purpose.
- [19.75.020](#) Scope.
- [19.75.030](#) Definitions.
- [19.75.040](#) Permits required.
- [19.75.050](#) Permit issuance.
- [19.75.060](#) Design and construction.
- [19.75.070](#) General sign requirements.
- [19.75.080](#) Specific sign requirements table.
- [19.75.090](#) Specific sign requirements.
- [19.75.100](#) Removal of sign for vacant premises.
- [19.75.110](#) Nonconforming signs.
- [19.75.120](#) Prohibited signs.
- [19.75.130](#) Enforcement.

19.75.010 Purpose.

The purpose of this chapter is to provide for the reasonable display of signs necessary for public service or the conduct of business. The regulations enacted herein are necessary to protect the safety and welfare of the public and to maintain an attractive appearance in the community. This chapter authorizes and regulates the use of signs visible from a public right-of-way and/or adjacent property to:

~~A. Provide a reasonable balance between the right of an individual to identify a business and the right of the public to be protected against the unrestricted proliferation of signs; and~~

~~B.A.~~ Provide minimum standards to safeguard life, health, property and the general welfare by regulating and controlling the design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures; and

~~C.B.~~ Ensure that signs are compatible with adjacent land uses; and

~~D.C.~~ Protect the public from hazardous conditions resulting from signs that are structurally unsafe, obscure vision of motorists, distract motorists, or interfere with traffic signs and signals; and

~~E.D.~~ Minimize overhead clutter for drivers and pedestrians; and

~~F.E.~~ Provide for types and sizes of signs appropriate to the land uses and zoning districts of the City; and

~~G.F.~~ Encourage well-designed signs that are compatible both with surrounding land uses and the buildings to which they are appurtenant; and

~~H. Provide for the orderly and reasonable elimination of existing signs that are not in conformance with this chapter to protect the public health, safety, and welfare; and~~

~~I. Provide a reasonable amortization period for businesses which have made a substantial investment in signs prior to the adoption of this chapter; and~~

~~J.G.~~ Implement the goals and policies of the City of University Place Comprehensive Plan; and

~~K.H.~~ Protect property values by encouraging signs that are appropriate in both scale and design to surrounding buildings and landscape and by discouraging a needless proliferation of the number of signs.(Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.020 Scope.

This chapter may be referred to as the sign code. This chapter applies to all signs in the City. This chapter regulates the type, size, location and number of signs. This chapter shall be administered by the Director.

(Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.030 Definitions.

A. General Definitions. Words not defined herein have their common meaning. The terms described below have the following meaning within this chapter:

“Building code” means codes adopted by the City including, but not limited to, Chapter [14.05](#) UPMC.

“Building official” means the City official responsible for administration of the building code or a duly authorized deputy.

“Change of use” means a sign advertising a business, service, commodity, product or activity that is no longer operating or being offered or conducted on the site.

“Freestanding letters” means a sign comprised of individual letters, characters, or marks, whether fastened directly against a wall or erected upon a steel framework for support.

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

“Landscaping” means any material used as a decorative feature for a sign, such as shrubbery, native vegetation, grass, flowers, decorative groundcover, planting materials, planter boxes, or brick work. Landscaping does not include any material that displays advertising copy.

“Marquee” means a permanent-roofed structure attached to and supported by a building to provide protection from the weather.

“Nonstructural trim” means the molding, battens, caps, nailing strips, latticing, and cutouts attached to a sign structure.

“Sign owner” means any person with a legally protected interest in a sign or a sign structure including, but not limited to, a legal owner of a sign, a sign user, and the owner or lessee of property on which a sign or sign structure is located.

“Sign structure” means the supports, uprights, braces, and framework for a sign.

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

“Special displays” means displays of merchandise, animals, balloons, cars, airplanes, or other objects used to attract attention for purposes of advertising.

“Special event” means events regulated under Chapter [5.10 UPMC](#).

B. Types of Signs. The terms described below have the following meanings within this chapter:

“A-board” or “sandwich [board](#) sign” means a temporary portable sign, usually constructed of two pieces of wood, plastic or similar material attached to each other at the top edge, ~~which that~~ stands like an “A” or is worn by a person such that one sign face is visible on either side of the sign.

“Address sign” means a sign displaying only an address.

“Animated sign” means a sign using movement or change of lighting, either natural or artificial, to depict action or to create special effects or scenes. All digital signs, except those displaying the time and temperature, are animated signs.

“Awning sign” means a sign attached to an awning, canopy or other similar structure that is comprised of fabric, plastic or similar materials and is located over an entrance, a window or an outdoor service area at a place of business. An awning sign is a type of wall sign. A marquee sign is an awning sign.

“Banner” means a temporary sign usually made of cloth, nylon or plastic that is hung by rope, cable or similar materials from a building or another sign structure. Banners include feather signs.

“Billboard” means a preprinted or hand-painted changeable advertising copy sign which directs attention to businesses, commodities, services, or facilities which 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.

“Bus shelter signs” means advertising signs mounted to bus shelters in the right-of-way.

“Changing message sign” means an electronic or mechanical sign, with the ability to change the sign message electronically. Time and temperature signs are not considered changing message signs.

~~“Charitable event sign” means a sign that advertises an event for a charity.~~

“City gateway sign” means a sign constructed and maintained by the City to welcome citizens and visitors to our community. Gateway signs are usually installed along major arterial streets leading into our community.

~~“Construction sign” means a sign designating the contractor(s), architect(s), and/or engineer(s) participating in a construction project underway on the premises.~~

“Directional sign” means a sign solely to direct pedestrian or vehicular traffic while entering, exiting, or traveling on the property where the sign is located.

~~“Emergency medical sign” means a sign advertising the location where emergency services are located.~~

“Event sign” means a temporary sign advertising and/or providing direction to an event with a limited duration of time. Examples of events include a real estate open house, yard sales, temporary uses and special events.

“Feather sign” means a temporary sign made of paper, cloth flexible plastic or fabric of any kind with only such material for backing. Feather signs are generally a sign attached to a support post. Feather signs are also known as feather flags, banner flags, bow flag, wind feather and tear drop signs.

“Flashing sign” means an illuminated sign which lights suddenly or intermittently. A strobe light used to attract attention to a business is a flashing sign.

“Freestanding sign” means a sign supported on a structure used exclusively for the support of the sign or for a group of signs, including pedestal, pylon, pole, and monument signs.

“Garage or yard sale sign” means a temporary sign used to direct people to a sale of personal household possessions.

“Home occupation sign” means a sign advertising a home occupation.

“Identification sign” means a sign located in an R1, R2, ~~or~~ MF-L, MF-H, POS, or PFO zone identifying an institutional, multi-family use or subdivision. ~~overlay advertising uses other than residential or home occupation.~~

“Incidental sign” means a sign that is not visible either from a right-of-way or off of the property on which the sign is located. Incidental signs typically inform the public about goods, facilities, or services available on the premises including, but not limited to, restrooms, hours of operation, acceptable credit cards, property ownership or management, phone booths or recycling containers.

“Menu sign” means a menu board at the entrance to a drive-through lane at a restaurant or an automobile service facility listing menu items or services for sale at the establishment. Car washes or automobile lubrication facilities typically display a menu sign.

“Monument sign” means a freestanding sign that is attached directly to the ground with a decorative base made of wood, masonry or other similar material. Monument signs may have posts comprised

of wood, masonry, or metal so long as the posts are completely surrounded by the decorative base.

“Mural” means a large decorative image, not an advertisement, ~~which that~~ is painted or drawn on an exterior wall of a structure.

“Nameplate” means a sign displaying only an occupant’s name or the name or address of premises.

~~“New residential development sign” means a sign advertising new homes for sale.~~

“Nonconforming sign” means a sign that does not conform to the provisions of this chapter.

“Off-premises sign” means a sign advertising a business, product, activity or service that is not sold at the site where the sign is located.

“Painted sign” means a sign painted on a wall, fence or other structure and not lighted by internal illumination.

“Pan-channel” means a sign graphic that is constructed of a three-sided metal channel, usually having a light source contained within the channel. The open side may face inward, resulting in silhouette lighting, or it may face outward to allow full illumination. The open side of the channel may be covered with a translucent material.

Periphery of Right-of-Way means within a right-of-way but at the edge of the Right-of Way so as not to interfere with vehicular and/or pedestrian traffic including maintaining sight distance. Periphery of Right-of-Way does not include landscape areas between a street and sidewalk, within a median or roundabout.

“Personal message sign” means a sign displaying a political, religious, or other personal noncommercial message.

“Pole sign” means a sign hung from or supported by vertical standing pipe(s), wood beam(s) or other material(s) that are affixed to the ground at one end and to the sign at the other end if the support(s) are clearly visible.

“Political sign” means a sign relating to candidate for political office or measure on the ballot at any election.

“Portable sign” means a sign not permanently attached to the ground or to another permanent structure, or a sign designed to be transported including, but not limited to, signs designed to be transported by means of wheels whether by trailer or on its own wheels even though the wheels of such sign may be removed. This definition includes A-boards, T signs, and menu or sandwich signs and mobile reader boards.

“Private sign” means a sign owned or maintained by a private individual, partnership, company, non-municipal corporation, or non-governmental agency.

“Projecting sign” means a sign affixed at an angle or perpendicular to the wall of any building in such a manner to read at an angle or perpendicularly to the wall on which it is mounted.

“Promotional sign” means posters, pennants, banners or streamers, balloons, searchlights, clusters of flags, strings of twirlers or propellers, flares, and other displays of a carnival nature used to promote a grand opening or sales event.

~~“Public safety sign” means a sign advertising a location where public safety services are available.~~

~~“Public sign” means a sign owned or maintained by a public agency or municipal corporation. This definition includes City gateway, traffic control and directional signs in the right-of-way.~~

“Reader board sign” means a sign with characters, letters or illustrations that can be changed or rearranged without altering the face or surface of the sign. A sign on which the message changes more than four times a day shall be considered an animated sign rather than a reader board sign.

“Real estate sign” means an on-site temporary sign directing attention to the availability for sale, lease, or rent of a particular premises.

~~“Religious sign” means a sign or symbol either freestanding or wall-mounted which identifies a religious institution and may include hours of services offered or sponsored programs or events.~~

~~“Residential development sign” mean a sign identifying a subdivision or multifamily complex.~~

“Revolving sign” means a sign that revolves or partially revolves by mechanical means.

“Roof sign” means a sign erected upon or above a roof or parapet of a building or structure.

“Sign” means any device, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, logos, or written copy for the purpose of advertising or identifying any establishment, product, goods, service or activity. A sign may have multiple faces and advertise multiple establishments, businesses, products, services, or activities. This definition does not include any flag of any country, State or local jurisdiction. Unless the context clearly provides to the contrary, a “sign” as used in this chapter also includes the “sign structure.”

“Street banners – decorations” means any street banners, decorations, and/or other similar items located in the City right-of-way.

“Temporary sign” means any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other similar materials, with or without a frame, intended to be displayed for a limited time only. A-boards, banners, portable, promotional and event signs~~Holiday decorations and other special events~~ shall be considered temporary signs.

Tenant for the purposes of this section shall mean an occupant of a premise upon which a sign is located or in the case of an off-premise freestanding sign an occupant of a premise within 300 feet of the free standing sign on which that occupant advertises.

“Time and temperature sign” means a digital sign displaying solely the time and temperature.

“Wall sign” means a sign erected against the wall of a building or other structure with the sign face parallel to the plane of the wall. Examples of wall signs include a marquee, a painted sign or a sign

supported by a fence.

“Window sign” means a sign on a window or located inside and in such close proximity to the window so as to be easily and readily viewed from outside the window.

(Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.040 Permits required.

A. Sign Display Permits. It shall be unlawful to erect or display a sign in the City without a sign display permit issued by the Department. Nothing in this chapter modifies any provision of Chapter [14.05](#) UPMC, which requires a building permit to erect, modify or demolish certain signs and sign structures.

B. Temporary Sign Display Permits. The Director may issue temporary sign display permits and attach reasonable conditions to the issuance of a permit as may be necessary to ensure timely discontinuance of the use and to ensure substantial compliance with this chapter.

C. Applications for Sign Permits. Any person submitting an application for a sign display permit or a temporary sign display permit shall make application on forms provided for that purpose at the Department.

D. Additional Information. The Director may require the filing of plans or other pertinent information as necessary to ensure compliance with this chapter.

(Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.050 Permit issuance.

A. Permit Issuance. It shall be the duty of the Director, upon the filing of an application for a permanent sign permit or a temporary sign permit, to review the application and to issue, issue with conditions, or deny the permit in accordance with the provisions of this chapter.

B. Permit Fees. Required fees are set forth in the City’s fee resolution as adopted or hereafter amended.

C. Temporary Signs – Deposit. Prior to the issuance of a temporary sign permit, a deposit equal to the permit fee shall be submitted by the applicant. All temporary signs must be removed within three working days after the expiration of the permit. If the applicant fails to remove the sign in the time required, the deposit shall be forfeited and the applicant will not be eligible for another temporary sign permit for 12 months. Failure to request the deposit be returned within 30 days of permit expiration shall result in forfeiture of the deposit

D. A sign permit shall be processed as a Type I permit under UPMC Title [22](#).

(Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.060 Design and construction.

All signs shall be erected in accordance with the following design and construction standards and

other requirements of this chapter.

A. Obstructing Signs. No sign or sign structure shall be constructed in such a manner or at such location that it will obstruct access to any fire escape or other means of ingress or egress from a building or any exit corridor, exit hallway, or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire.

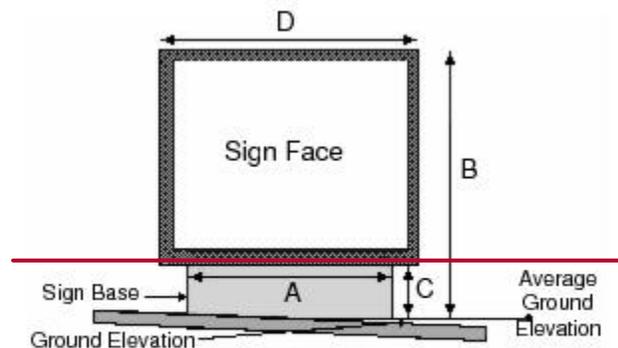
B. Visibility. No sign or sign structure shall be placed or erected in any place or manner where by reason of its position it will obstruct safe visibility for vehicular or pedestrian traffic.

C. Construction Standard for Permanent Signs. No sign shall be constructed, erected, or maintained unless the sign and sign structure is so constructed, erected, and maintained as to be able to withstand the wind, seismic and other requirements as specified in the building code. Permanent freestanding signs shall also be subject to the following design standards:

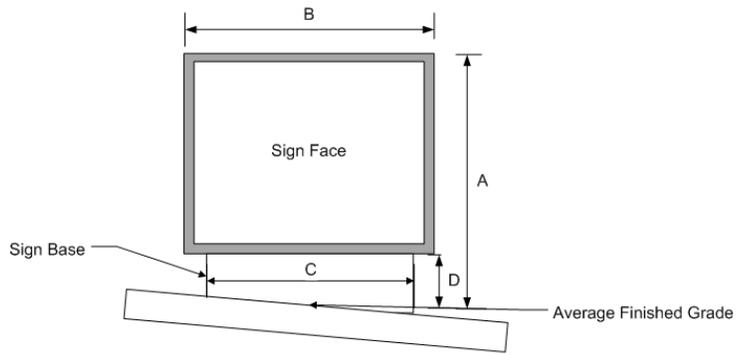
1. Structural Components. To the maximum extent possible, signs should be constructed and installed so that angle irons, guy wires, braces and other structural elements are not visible. This limitation does not apply to structural elements that are an integral part of the overall design such as decorative metal or wood.

2. Dimensional and Design Standards.

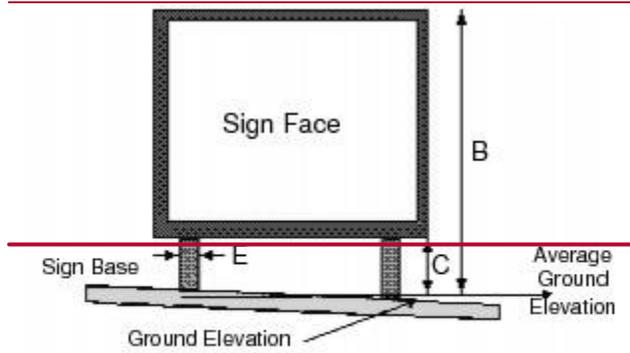
a. Pedestal, Pole or Pylon Signs. The following drawings illustrate the dimensional standards for pedestal, pole or pylon signs:



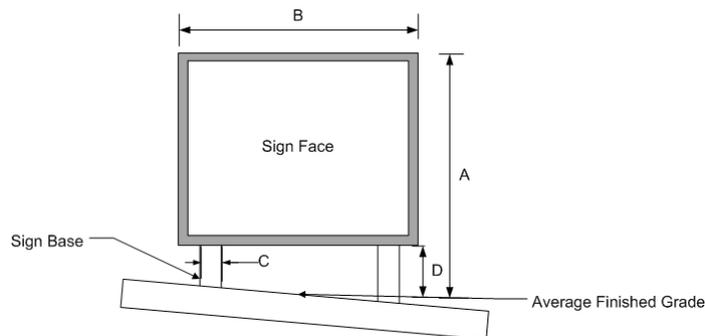
B = Height of sign
 $A \geq 50\%$ of B
 $A \geq 50\%$ of D
 $C \geq 20\%$ of B



A = Height of Sign
 C Shall be $\geq 50\%$ A
 C Shall be $\geq 50\%$ B
 D Shall be $\geq 20\%$ A

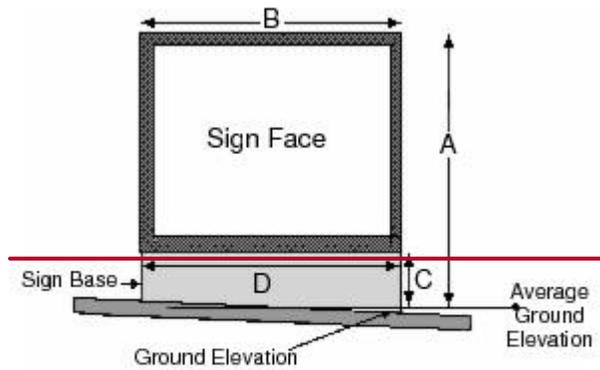


B = Height of sign
 C $\geq 20\%$ of B
 E ≥ 4 inches

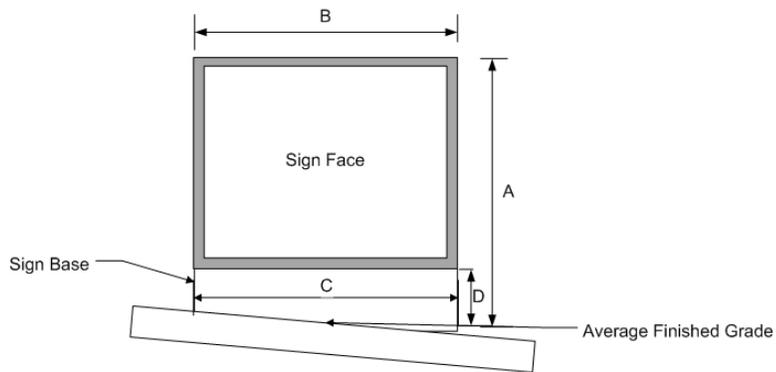


A Maximum height = 10'
 B Maximum Width = 12'
 B Shall be $\geq 50\%$ of A
 C Shall be ≥ 4 "
 D Shall be $\geq 20\%$ A

b. Monument Signs. The following figures illustrate the dimensional standards for monument signs:



- A: Maximum height of sign
- B: Maximum = 200% of A
- C: Minimum = 20% of A
- D: Equal to 100% of B



- A Maximum height = 10'
- B Maximum width = 12'
- C = B
- D Shall be $\geq 20\%$ A

3. Design Criteria.

a. Sign Base. The base of the sign must be constructed of landscape materials such as brick, stucco, stonework, textured wood, tile or textured concrete or materials that are harmonious with the character of the primary structures on the subject property. Materials that differ from the primary structure are subject to the Director's approval. No visible gap shall be allowed between the sign base and the finished grade or between the sign face or cabinet and the sign base except as provided in this chapter.

b. Except as provided in this chapter, all pole or pylon signs shall be supported by two or more supports.

c. Sign Face. The color, shape, material, lettering and other architectural details of the sign face must be harmonious with the character of the primary structure.

D. Minor Deviations. Minor deviations from the dimensional standards for signs, except for maximum sign height, may be approved by the Director upon finding that the resulting sign does not significantly change the relative proportion of the sign base to the sign face.

E. Electric Signs. Electric signs shall be constructed and inspected in accordance with applicable electrical codes.

F. Public Right-of-Way. Signs in the public right-of-way shall be regulated by UPMC Title [13](#) and require a valid right-of-way use permit pursuant to UPMC Title [13](#). Any sign located in a public right-of-way without a valid right-of-way permit is hereby declared a public nuisance. Any unlawful sign may be removed from a public right-of-way immediately.

G. Planter Boxes – Bumper Guards – Shrubs – Plants. No planter box or bumper guard designed to protect or beautify a sign structure shall extend beyond the property line. Planter boxes shall not be more than 36 inches above average finished grade.

H. Utility Lines – Clearance. Horizontal and vertical clearance of signs or sign structures from utility lines shall be determined by the appropriate service provider.

(Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.070 General sign requirements.

The size and placement of signs are regulated to maintain a safe and attractive community and to facilitate attention to their messages. The following standards are intended to aid the sign user, sign maker and the Department in determining the maximum size and appropriate location of permitted signs.

A. General Sign Requirements.

1. Area of Signs.

a. The area of a sign means the area within a continuous perimeter enclosing the outer limits of the sign face, but not including structural elements which are not a part of the display.

b. When two identical sign faces are placed back to back, the sign area shall be computed by the measurement of one of the sign faces. No more than two faces are permitted per freestanding sign. The area of a spherical, cubical or polyhedral sign equals one-half the total surface area.

2. Area of Freestanding Letters. Freestanding letters and/or characters forming a sign or message shall be considered to occupy two-thirds of the combined overall background area.

3. Height of Signs. Maximum height of all freestanding signs or any part of the freestanding sign structure shall be 10 feet above average finished grade. Sign height shall be measured from the average finished grade at the sign foundation. The average finished grade for signs on grades lower than the adjacent right-of-way shall be considered the same as the average grade of the adjacent right-of-way. See the diagram following subsection (A)(7) of this section for grade exceptions.

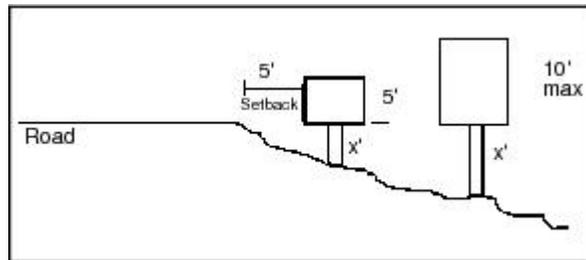
4. Width of Signs. The maximum width of a freestanding sign structure shall be 12 feet. Sign width shall be measured on the face side of the sign from one side of the face or any part of the

sign structure to the farthest point on the opposite side of the face or part of the sign structure.

5. Setbacks for Signs. All signs are permitted a zero-foot setback, except as provided in this chapter, provided the owner demonstrates to the City by reasonable evidence that the sign will not obstruct the clear sight zone as specified in UPMC Title [13](#).

6. Illumination. External sign illumination shall be directed only towards the sign face or freestanding letters and shall be shielded in ways to prevent light and glare on adjacent properties.

7. Grade Exception. When the elevation at the base of a freestanding sign is at least five feet below the elevation of the adjacent road, a single pole may be used to support the sign provided the portion of the sign above the elevation of the adjacent roadway has the appearance of a monument sign. See figure below.



8. Maintenance of Signs. All signs shall be maintained in a safe condition and in good repair. Any sign that is damaged shall be restored to a safe condition immediately and good repair no later than 90 days after the event that caused the damage. Failure to maintain a sign in a safe condition and in good repair shall be grounds for revocation of a sign permit.

9. Establishment of Property Lines. It shall be the responsibility of the property owner or an authorized representative to establish and clearly mark out any property line from which a sign setback measurement shall be taken. In the event of a dispute or discrepancy in the Director may order an independent survey to ensure compliance with this chapter. The survey cost shall be charged to the sign applicant.

Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.080 Specific sign requirements table.

The following requirements apply to specific sign types. The Director may prescribe reduced area and height, more controlled illumination and greater setback as a condition of any special use permit approval.

Residential (R1, R2, MF-L, MF-H), POS and PF Overlay¹

Type of Sign	Permit Required	Area (Sq. ft.)	Height (Feet)	Setback ¹	Number of Signs	Requirements ²
Address	No	3	10	0	2	Numbers and letters ≤ 10" high
Banners	Temporary	24		0	1	For non-residential uses only
Directional	No	6	3	0		One per entrance
Event ³	No	6	10		6	1 on premise and 5 at periphery of right-of-way-s
Home Occupation	No	2	10		1	May be freestanding, placed on the primary structure or in a window
Identification	Permanent	36	10	0	1-3	1 per entrance or 2 at main entrance.
Incidental	No	2				
Nameplates	No	6		0		
Non-Government Flags	No	20	30	5	1	Government flags are exempt.
Official Legal Notices	No			0		Notices issued and posted by public agency or court.
Personal Message	Permanent	3	5*		1 per lot	Non-illuminated *if freestanding
Plaques, Tablets, or Inscriptions	No	3	3	0		
Political	No	3/6/24				3 sq. ft. at periphery of right-of-way. 6 sq. ft. on private property. Up to 24 sq. ft. with temporary sign permit.
Public	No			0	No Limit	Allowed in public right-of-way; Subject to approval by City Engineer.
Real Estate	No	12	6		1 per tax lot	Non-illuminated; removed within 7 days after sale, lease or rental of property
Residential Open House A-Boards	No	6	10	0	1 on premise and 5 at periphery of right-of-ways	Permitted during daylight hours only; a realtor, seller or agent must be on the property.

Notes

¹The sign owner must provide proof that the sign will not adversely impact the clear-view triangle as specified in UPMC Title [13](#).

² Additional requirements are listed in UPMC [19.75.090](#), Specific sign requirements.

³ See UPMC 19.35 Temporary Uses and UPMC 5.10 Special Events for additional requirements.

~~4. Code reviser's note: Ord. 589 changed the title of this table to include POS. This amendment was inadvertently left out of Ord. 607. It has been restored per the intent of the City.~~

Commercial Zones (TC, NC, MU, MU-O, MU-M, CC, LI-BP)

<u>Type of Sign</u>	<u>Permit Required</u>	<u>Area (Sq. ft.)</u>	<u>Height (Feet)</u>	<u>Setback¹</u>	<u>Number of Signs</u>	<u>Requirements²</u>
<u>A-Board</u>	<u>Temporary</u>	<u>12</u>		<u>5-20</u>	<u>1 per 50' feet of frontage</u>	<u>5' setback from right-of-way; 20' from intersections.</u>
<u>Address</u>	<u>No</u>			<u>0</u>		<u>Numbers and letters ≤ 10" high</u>
<u>Banners</u>	<u>Temporary</u>	<u>24</u>		<u>0</u>	<u>2</u>	
<u>Billboards</u>	<u>Prohibited</u>					
<u>Changing Message</u>	<u>Permanent</u>		<u>10'</u>	<u>0</u>	<u>1</u>	<u>Permitted only in NC Zone. Must be set back at least 100' from center of any controlled intersection.</u>
<u>Directional</u>	<u>No</u>	<u>6</u>	<u>3'</u>	<u>0</u>	<u>1-2</u>	
<u>Event³</u>	<u>No</u>	<u>6</u>	<u>10'</u>		<u>6</u>	<u>1 on premise and 5 at periphery of right-of-way</u>
<u>Feather</u>	<u>Temporary</u>	<u>24</u>	<u>10'</u>	<u>0</u>	<u>1</u>	
<u>Flags</u>	<u>No</u>	<u>20</u>	<u>30'</u>	<u>5'</u>	<u>1</u>	<u>Government flags are exempt</u>
<u>Freestanding Single Tenant</u>	<u>Permanent</u>	<u>32</u>	<u>10'</u>	<u>0</u>	<u>1-3</u>	<u>1 abutting street of highest classification; if > 300' street frontage, a second sign placed at least 100' from first sign is permitted; an additional sign is permitted on a secondary street.</u>
<u>Freestanding Two to Five Tenants</u>	<u>Permanent</u>	<u>40</u>	<u>10'</u>	<u>0</u>	<u>1-3</u>	<u>1 abutting street of highest classification; if > 300' street frontage, a second sign placed at least 100' from first sign is permitted; an additional sign is permitted on a secondary street.</u>
<u>Freestanding Six or More Tenants</u>	<u>Permanent</u>	<u>50</u>	<u>10'</u>	<u>0</u>	<u>1-3</u>	<u>1 abutting street of highest classification; if > 300' street frontage, a second sign placed at least 100' from first sign is permitted; an additional sign is</u>

						<u>permitted on a secondary street.</u>
<u>Plaques, Tablets, or Inscriptions</u>	<u>No</u>	<u>3</u>	<u>10'</u>	<u>0</u>	<u>1</u>	
<u>Incidental</u>	<u>No</u>	<u>2</u>				
<u>Murals</u>	<u>No</u>					<u>Provided the mural does not meet the definition of a sign</u>

<u>Type of Sign</u>	<u>Permit Required</u>	<u>Area (Sq. ft.)</u>	<u>Height (Feet)</u>	<u>Setback¹</u>	<u>Number of Signs</u>	<u>Requirements²</u>
<u>Nameplates</u>	<u>No</u>	<u>3</u>		<u>0</u>		
<u>Official Legal Notices</u>	<u>No</u>			<u>0</u>		<u>Notices issued and posted by a government agency or court</u>
<u>Off-Premises Freestanding⁴</u>	<u>Permanent</u>		<u>10'</u>	<u>0</u>		<u>A property that is landlocked or otherwise unable to advertise on a street may advertise on an existing on-premises freestanding sign within 300 feet with the owner's permission⁴</u>
<u>Personal Message</u>	<u>Permanent</u>	<u>3</u>	<u>5*</u>		<u>1 per lot</u>	<u>Non-illuminated *if freestanding</u>
<u>Projecting</u>	<u>Permanent</u>	<u>20</u>	<u>Height of building</u>	<u>0</u>	<u>1</u>	<u>In lieu of freestanding sign. May project up to 5' from building wall. No closer than 2' from curb; minimum clearance ≥ 10'</u>
<u>Promotional</u>	<u>Temporary</u>			<u>5-20</u>	<u>No Limit</u>	<u>Setback 5' from property lines, 20' from intersections. Allowed for up to 5 days.</u>
<u>Real Estate</u>	<u>No</u>	<u>12</u>	<u>6</u>		<u>1 per tax lot</u>	<u>Non-illuminated</u>
<u>Residential Open House A-Boards</u>	<u>No</u>	<u>6</u>	<u>10</u>	<u>0</u>	<u>1 per street frontage; five off-premises</u>	<u>Permitted during daylight hours only; a realtor, seller or agent must be on the property.</u>
<u>Roof</u>	<u>Permanent</u>	<u>≤ 15% of facade</u>	<u>See Req.</u>	<u>0</u>		<u>Shall not project above any roof line, soffit or parapet.</u>
<u>Temporary</u>	<u>Temporary</u>			<u>0-5</u>		<u>See UPMC 19.75.090</u>
<u>Temporary Use</u>	<u>Temporary</u>	<u>12</u>			<u>1 A-board</u>	<u>Display for period of temporary use only.</u>
		<u>24</u>			<u>1 Banner</u>	

<u>Under Marquee</u>	<u>Permanent</u>	<u>7</u>	<u>Min 8' Clear</u>	<u>2</u>	<u>1 per business</u>	<u>12" max sign height. Sign must swing.</u>
<u>Wall</u>	<u>Permanent</u>	<u>≤ 15% of facade</u>				<u>18" maximum thickness</u>
<u>Window</u>	<u>Temporary</u>	<u>20% of Window</u>		<u>0</u>		<u>See UPMC 19.75.090</u>

1 The sign owner must provide proof that the sign will not adversely impact the clear-view triangle as specified in UPMC Title 13.

2 Additional requirements are listed in UPMC 19.75.090, Specific sign requirements.

3 See UPMC 19.35 Temporary Uses and UPMC 5.10 Special Events for additional requirements.

4 See freestanding signs for size allowances.

Exemption from the sign permit provisions of this chapter shall not be deemed to grant authorization for any sign constructed, erected or located in any manner in violation of the provisions of this chapter or any other laws or ordinances of the City or the State of Washington, including the prohibition against placing signs upon City right-of-way.

(Ord. 662 § 1 (Exh. A), 2015; Ord. 607 § 1 (Exh. A), 2012; Ord. 589 § 1 (Exh. A), 2011; Ord. 443 § 1 (Exh. A), 2005; Ord. 402 § 1, 2003; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.90 Specific sign requirements.

A. Temporary Signs

~~1. Signs may not be displayed for the duration of the temporary use or event for which they are intended but not~~ for longer than 60 days in a year.

~~2. Signs shall be removed at the close of each business day.~~

~~3.2.~~ Signs must be removed within three working days after the expiration of the permit, or the event. Failure to remove signs will forfeit use of a temporary sign permit for a period of 12 months.

~~3.~~ Signs may not be permanently attached to the ground, building, or other structure.)

~~4. Signs may not be placed in the public right-of-way unless authorized by the City Engineer. All off-premises signs may be placed adjacent to the right of way with the property owner's permission.~~

~~B. Banners.~~

~~1. Banners may not be displayed for longer than 60 days in a year.~~

~~2. Banners are not permitted in the right of way without the express permission of the City engineer.~~

~~C. Kiosk. Kiosks may be placed at public facilities or within the right of way to provide information on facility events, rules, or public announcements.~~

D.B. Marquee – Canopy – Awnings.

1. Awnings shall project not less than three feet and not more than seven feet from the face of the supporting building, when over public property.
2. No portion of any awning or canopy shall extend nearer than two feet to the face of the nearest curb line.

E.C. Political Signs. The placement of signs is limited to a reasonable time before the election. Signs for a successful primary candidate may remain in place until after the general election. The exemption of political signs from City regulation is limited by the following provisions:

1. Signs relating to the nomination or election of any individual for a public political office or advocating any measure to be voted on at any special or general election are political signs and exempt from the sign permit requirement; provided, that such political signs shall be removed 10 days after the date of the election for which they are intended. If political signs are not removed within the specified time, they will be subject to removal by the City in addition to any other remedies provided in this chapter. The City will notify the candidates or their designated representatives of sign removal and a designated location for picking up signs that have been removed. When these appropriate individuals cannot be contacted or do not respond within five working days, the signs will be destroyed.
2. No political sign shall be erected upon any private property without permission of the resident or owner thereof.
3. Political signs may be placed along the edge of the right-of-way, and shall not exceed three square feet in area per sign face nor three feet in height, and shall not obstruct safe visibility of any mobile or pedestrian traffic, nor interfere with routine maintenance and other common uses of the right-of-way such as public parking, pedestrian and bicycle traffic or access to utilities.

F.D. Roof Signs. Roof Sign shall not project above any roof line, soffit or parapet. See examples of acceptable and unacceptable roof signs below.

1. Acceptable Roof Signs.





2. Unacceptable Roof Signs.



G.E. Yard Sale Signs. Off-premises signs posted at locations away from the location(s) of the sales are subject to the following provisions:

1. The signs may be placed adjacent to the right-of-way with the property owner's permission.
2. Yard sale signs shall not be posted sooner than 5:00 p.m. on the day prior to the sale and shall be removed immediately following the end of the sale.

3. Yard sale signs must include the address where the yard sale is located and a date or dates of the sale.
4. Signs for yard sales shall not be allowed for more than three successive calendar days in a 30-day period and shall be limited to advertising not more than three yard sale events in the same calendar year at the same location.
5. A fine of \$100.00 per yard sale sign which exceeds these provisions may be levied against the property owner where the sales are held.

(Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.100 Removal of sign for vacant premises.

Within 30 days of the vacancy or change in tenancy of any property, the sign face of any sign advertising the former tenant, or product or activity sold by the former tenant shall be removed or changed. If the removal or change of the sign face exposed any structural, electrical, or illumination fixtures, an opaque covering, or other material approved by the Director, shall be placed over the exposed fixtures.

(Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.110 Nonconforming signs.

A. Nonconforming Signs. Upon determination that a sign is nonconforming or illegal, the Director shall use reasonable efforts to so notify in writing the sign owner and where practicable the owner of the property on which the sign is located. Notification shall include:

1. Whether the sign is conforming, nonconforming or illegal;
2. Whether the sign may be eligible for a sign permit. If the identity of the sign owner cannot be determined after reasonable inquiry, the notice may be affixed in a conspicuous place on the sign or on the business premises with which the sign is associated;
3. The reasons the sign is nonconforming or illegal;
4. A time period in which to comply with the sign code prior to the commencement of code enforcement.

B. Nonconforming signs shall either be removed or immediately brought into compliance with this chapter upon the occurrence of one or more of the following events:

1. A change of use has taken place that limits the type or size of sign allowed; or
2. A vacancy occurs for more than nine months at any property for which a sign is an accessory use.

(Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.120 Prohibited signs.

Except as indicated by this chapter, the following signs or displays are prohibited:

A. Billboards.

B. Bus bench signs.

C. Obscenities. No sign shall bear or contain statements, words, or pictures in which the dominant theme of the material, taken as a whole, appeals to the prurient interest in sex or is patently offensive because it affronts the contemporary community standard relating to the description or representation of sexual material that is utterly without redeeming social value.

D. Off-premises signs except as authorized by this chapter.

E. Posters, pennants, banners or streamers, flashing lights, strobe lights, balloons, searchlights, clusters of flags, strings of twirlers or propellers, flares, and other displays of a carnival nature; except as architectural features or on a limited basis as seasonal decorations or as provided for in this chapter as promotional signs for grand opening displays or special sales events.

F. Portable signs including, but not limited to, sandwich/A-frame signs and mobile reader board signs except when permitted as provided in this chapter as temporary signs.

G. Public address systems or sound devices used in conjunction with any sign or advertising device except as part of a drive-through menu sign.

H. Signs mounted on roofs except on a parapet or when incorporated into a building providing an overall finished appearance.

I. Signs attached to or placed upon a vehicle or trailer parked in such a way as to serve as a sign on public or private property. This does not prohibit the identification of a firm or principal products on a vehicle operating during the normal course of business.

J. Signs on light or utility poles.

K. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination either distract vehicular traffic or cause confusion with traffic control signs or signals, including, but not limited to, signs containing words such as "stop," "look," and "danger."

L. Three-dimensional statue, caricature or representation of persons, large inflatable balloons and other inflatable displays including characters, animals, merchandise and dirigibles, or merchandise as a sign.

M. Merchandise such as shoes or donuts may be incorporated into the sign structure. Barbershop poles are excluded from this provision.

(Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

19.75.130 Enforcement.

A. Penalty for Violations.

1. It shall be unlawful for any person, firm or corporation to erect, construct, paint, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or sign structure in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter;

2. Any person, firm or corporation violating any of the provisions of this code shall be subject to a civil violation as defined in Chapter [1.20](#) UPMC, Enforcement.

B. Right of Entry. Upon proper presentation of credentials including court orders if appropriate, the Director may enter at reasonable times any building, structure or premises within the City to perform any duty imposed by this code.

C. Liability. The provisions of this chapter shall not be construed as relieving or limiting in any way the responsibility or liability of any person or persons erecting or owning any sign from personal injury or property damage resulting from the willful acts or negligence of such person, its agents, employees or workmen in the construction, maintenance, repair or removal of any sign or sign structure erected in accordance with a permit issued under this chapter. Nor shall it be construed as imposing upon the City or its officers or employees any responsibility or liability by reason of the approval of any sign, materials or devices under the provisions of this code.

D. Revocation of Permits. The Director is authorized and empowered to revoke any sign permit issued in error or on the basis of incorrect information, or in violation of the provisions upon failure of the holder thereof to comply with any provision or provisions of this code.

E. Nuisance Declared – Abatement. Signs constructed, altered or maintained in violation of the provisions of this code are declared to be a public nuisance.

(Ord. 607 § 1 (Exh. A), 2012; Ord. 443 § 1 (Exh. A), 2005; Ord. 394 § 1, 2003; Ord. 380 § 1, 2003).

**CITY COUNCIL RESOLUTION 743
PLANNING COMMISSION RECOMMENDATIONS**

City Council Request	Planning Commission Recommendation	Considerations
Should signs visible from the right-of-way and adjacent properties be regulated or just signs visible from the right-of-way?	<i>Signs visible from either the right-of-way or adjacent property should be regulated to prevent potential negative impacts associated with signs visible from residential properties.</i>	
The Sign Code purpose statements should reflect our desire to balance goals without promoting some goals at the expense of others.	<i>Delete "Provide a reasonable balance between the right of an individual to identify a business and the right of the public to be protected against the unrestricted proliferation of signs"</i>	
Consider increasing the number of Off-Site Residential Open House A-board signs allowed.	<i>Increase the number and size of off-site residential open house signs from 3 to 5, the size from 5 to 6 sq. ft. and maximum height from 6 to 10 feet. Define and allow signs at periphery of right-of-way</i>	<i>Title 13 prohibits temporary signs in the right-of-way except by right-of-way permit and approval by City Engineer. An amendment to Title 13 will be required to remove conflicting provisions. The Public Works Director opposes allowing these signs in the right-of-way.</i>
Consider allowing off-premise signs for contiguous properties that are otherwise landlocked and unable to be identified, located or advertised.	<i>Allow an off-premise tenant to advertise on an existing on-premise sign in close proximity to them. Define tenant and close proximity.</i>	
Consider allowing banners for longer periods of time and/or reducing the cost for temporary signs. Weighed against allowing too many banners at once.	<i>Reduce fee for temporary signs, increase deposit to encourage timely compliance.</i>	<i>Reverse fee and deposit amounts per Finance Department recommendation to promote compliance with temporary sign display periods. This will require an amendment to the City's Fee Resolution.</i>
	<i>Allow for up to 60 days or for duration of temporary event.</i>	
	<i>Allow two banners and one A-board at the same time.</i>	
	<i>Increase off-premise temporary event sign size from 4 to 6 sq. ft., maximum height to 10 feet and number permitted to 6.</i>	
	<i>On private property allow political signs up to 6 sq. without a permit and up to 24 sq. ft. with a temporary sign permit.</i>	
	<i>Allow feather signs and provide a definition.</i>	

**CITY COUNCIL RESOLUTION 743
PLANNING COMMISSION RECOMMENDATIONS**

City Council Request	Planning Commission Recommendation	Considerations
Address the following concerns regarding changing message signs:	<p><i>The Planning Commission seeks direction from the City Council. A majority of the Planning Commission are in favor of allowing changing Message Signs subject to conditions regulating their location and use. The Commission believes the amount of time needed to formulate a recommendation will be considerable and would like to gage support from the Council before proceeding.</i></p>	<p><i>Changing message signs are only allowed in the auto-oriented Neighborhood Commercial Zone.</i></p>
Equality: Why are some businesses allowed changing message signs and others not?		
Town Center: The City may want a changing message sign for the Town Center Project.		
Public Notice: The City may want one or more public notice changing message signs providing digital information.		
Time and Temperature vs. Advertising: It does not make any sense to restrict some changing message signs to time and temperature only.		
Are changing message signs desired in pedestrian-oriented zones?		
Proliferation, allowing changing message signs could create sign blight and/or become overwhelming.		
Shared Signs: A group of businesses such as those in the Narrows Plaza area may benefit from a shared changing message sign.		
The City prohibited billboards, which made them nonconforming signs. The City has yet to have any billboards removed. The City Council seeks a recommendation that maintains their nonconforming status, but does not require their complete removal.	<p><i>Maintain the status quo. Billboards are non-conforming, but will be allowed to remain until such time as they are removed or require repairs which amount to more than 50% of their value</i></p>	