

ORIGINAL

**CITY OF ORTING
WASHINGTON
ORDINANCE NO. 2019-1041**

**AN ORDINANCE OF THE CITY OF ORTING,
WASHINGTON, REPEALING AND REPLACING ORTING
MUNICIPAL CODE TITLE 13, CHAPTER 7, RELATING TO
DEVELOPMENT REGULATION OF SIGNS; PROVIDING
FOR SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS, the City of Orting is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington; and

WHEREAS, the City Council previously adopted regulations pertaining to the design, installation, alteration, relocation, maintenance, use, and removal of signs, codified at Chapter 13-7 of the Orting Municipal Code (OMC); and

WHEREAS, the City Council desires to update and amend OMC Ch. 13-7 in response to the U.S. Supreme Court's decision in Reed v. Town of Gilbert, Ariz., 135 S. Ct. 2218, 192 L.Ed.2d 236 (2015), and subsequent appellate cases, which clarified the law governing local government regulation of signage; and

WHEREAS, the City Council further desires to update OMC Ch. 13-7 so that the regulations are tailored to provide for the orderly development of land and use of property within its corporate limits; and

WHEREAS, the City Council also seeks to amend OMC Ch. 13-7 to ensure the regulations ensure the maintenance of the value of Orting's scenic beauty and rural charm, which are the keystones of the City's quality of life through a comprehensive regulatory program that includes restrictions on signs; and

WHEREAS, the City Council further seeks to adopt a new OMC Ch. 13-7 to update the City's regulations for the location, size, placement and certain features of signs, which are necessary to enable the public to locate goods, services and facilities in the corporate limits of the City and within its extraterritorial jurisdiction, to promote expression by sign while encouraging general community aesthetics and the attractiveness of the community and protecting property values therein; and

WHEREAS, the City Council seeks to amend OMC Ch. 13-7 to ensure the regulations promote the safety of persons and property by providing that approved signs promote and protect the public health, safety, comfort, morals and convenience; do not obstruct firefighting or police surveillance; and do not overload the public's capacity to receive information or increase the

probability of traffic congestion and accidents to vehicles or pedestrians by distracting attention or obstructing vision; and

WHEREAS, the City Council acknowledges that updated regulation of signage can enhance the economy and the business of the City by promoting the reasonable, orderly and effective display of signs, thereby encouraging tourism and increased communication with the public so that business and services may identify themselves; customers and other persons may locate a business or service; signs shall be compatible with their surroundings, appropriate to the type of activity to which they pertain and expressive of the identity of proprietors and other persons displaying signs; and

WHEREAS, the City Council further acknowledges that updated regulation of signage will likely protect the public welfare and enhance the appearance and economic value of the landscape by providing that signs do not interfere with scenic views and that they protect and preserve the unique and natural beauty of the City; do not create a nuisance to persons using the public right-of-way; do not create a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement; and are not detrimental to land or property values; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed new OMC Ch. 13-7 identified herein on January 7, 2019; and

WHEREAS, a draft version of this ordinance was submitted to the Washington State Department of Commerce for review on January 18, 2019; and

WHEREAS, the City Council has considered this ordinance, together with all public comment, and has determined that the proposed regulations are in accord with the Comprehensive Plan, will not adversely affect the public health, safety, or general welfare, and are in the best interest of the citizens of the City; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORTING, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. OMC Title 13, Chapter 7, Repealed. Orting Municipal Code Title 13, Chapter 7, is hereby repealed in its entirety.

Section 2. OMC Title 13, Chapter 7, Enacted. Orting Municipal Code Title 13, Chapter 7, is hereby enacted in the form stated in Exhibit A hereto, which is adopted by reference herein.

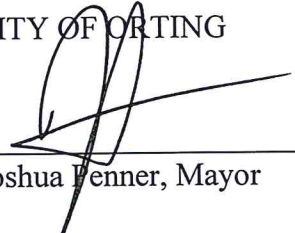
Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance and its Attachment, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Codification of Ordinance and Attachments. The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the Ordinance and its Attachments, and publish the modified code.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force 5 days after publication.

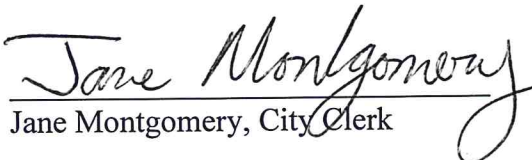
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 29th DAY OF MAY, 2019.

CITY OF PORTING



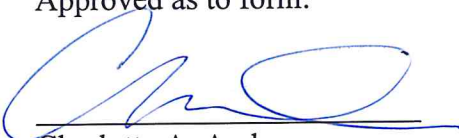
Joshua Jenner, Mayor

ATTEST/AUTHENTICATED:



Jane Montgomery, City Clerk

Approved as to form:



Charlotte A. Archer
Inslee, Best, Doezie & Ryder, P.S.
City Attorney

Filed with the City Clerk: 1.21.19
Passed by the City Council: 5.29.19
Date of Publication: 5.31.19
Effective Date: 6.5.19

**ORTING MUNICIPAL CODE
TITLE 13 – DEVELOPMENT REGULATIONS
CHAPTER 7 – SIGN REGULATIONS**

13-7-1	FINDINGS AND PURPOSE
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13-7-14	SEVERABILITY

13-7-1 FINDINGS AND PURPOSE:

A. Findings. The City Council finds as follows:

1. Signs are a means of personal free expression;
2. The use and display of signs is a legitimate use of public and private property, and is an integral part of the business and marketing functions of the local economy and serves to promote and protect private investments in commerce and industry, and is a necessary component of a commercial environment;
3. Signs can promote the efficient transfer of information by providing messages and information needed and sought by the public, allowing businesses and services to identify themselves; and, ensuring that customers and other persons may locate a business or service;
4. Easily read and properly designed and placed signage can be valuable to the public by assisting with way-finding, orientation, and decision making and therefore contribute in a positive way to the health, safety, and welfare of the public;
5. In the absence of regulation, the number of signs tends to proliferate, with property owners’ desiring ever increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted property and thoroughfares, and escalation in the size of signs erected by competing businesses;
6. The competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians, and undermines the sign owners’ original purpose of presenting a clear message of its idea or identification of its premises;

7. Persons exposed to signs can be overwhelmed by the number of messages presented, and may not be able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose;
8. Regulations restricting the size, material, construction, location and number of signs can create a pleasing environment for the entire community and enhance public safety;
9. Signs erected by the City are, in part, erected for the purpose of maintaining the public safety either through direct control of traffic or through provision of such type of signage as street signs which enable the traveling public to know where they are located and to find where they are going. With the exception of signs identifying government buildings and signs providing information on government-sponsored community events, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public;
10. Public utility signs are frequently of the same nature as those signs erected by governmental entities in that they provide necessary information to safeguard the public from downed power lines and from street excavations. Even where signs serve a propriety purpose, such as identifying markings on utility poles, those signs are marked primarily for the purpose of benefiting the public generally through identification of locations where there may be temporary losses of power and identifying potential hazards;
11. Some signage has a single targeted function and identification of such signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of locating addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. Subdivision signs at the entrances to subdivisions favor a similar purpose in enabling both the traveling public and emergency personnel to quickly locate subdivision entrances for the purpose of either visitation or responding to emergency calls. While such signage is often referenced based upon the function it serves within the context of this ordinance, whenever possible, it is the intent of this ordinance to refer to signs unrelated to the content of the message provided;
12. Driver distraction is a significant cause of motor vehicle accidents leading to property damage and personal injury;
13. Signs visible from motor vehicles being driven upon streets in the City have a visual impact upon the drivers of those vehicles;
14. Signs can overwhelm the public, unduly distract and confuse motorists by diverting attention away from the roadway, and result in safety threats to vehicular and pedestrian traffic;

15. Signs can create traffic hazards by confusing or distracting motorists and pedestrians, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs;
16. Brightly lit signs, electronic signs, and animated signs waste valuable energy, contribute to light pollution, produce hazardous glare, and create the potential for distracting or confusing motorists, thereby negatively impacting the health, safety, and welfare of the public. Further, digital billboards have the potential to distract drivers for a significantly longer time than non-digital billboards creating a greater potential for driver distraction;
17. Signs which are unregulated as to size, location and appearance can increase the level of distraction of motorists, interfere with early identification of traffic control devices, and hinder the smooth and safe movement of traffic;
18. Portable signs contribute to visual clutter and present distractions to drivers and pedestrian users of the public sidewalks, crosswalks and other pedestrian pathways;
19. Lightweight design and easy mobility of portable signs create a potential for extraordinary safety hazards. Portable signs are often placed in close proximity to public rights-of-way in order to optimally attract the attention of motorists. Such placement creates visual obstruction of oncoming pedestrian and vehicular traffic for motorist's ingressing or egressing from a place of business;
20. Portable signs also have a tendency to be blown about in strong winds causing and creating visual clutter, obstruction of pedestrian and vehicular passage, safety hazards, and damage to landscaping;
21. Portable signs with electrical connections and components, if improperly maintained, pose a serious public safety hazard;
22. Improperly constructed and poorly maintained signs may be safety hazards that constitute a public health risk;
23. Moving signs are intended to distract the attention of drivers and pedestrians to call attend to the message on the sign and create a greater distraction to drivers and pedestrians than stationary signs of similar size and appearance;
24. Signs can constitute aesthetic harm by cluttering the rural landscape and highway corridors and adversely affecting the naturally scenic views and native environment;
25. Signs may conceal or obstruct windows, doors, or significant architectural features or details of buildings;
26. Signs can create a hazard due to collapse, fire, collision, decay or abandonment;
27. Signs can obstruct firefighting or police surveillance;

28. Signs can arbitrarily deny the use of the lines of vision from the public right-of way;
29. Regulation of signs can protect the public welfare and enhance the appearance and economic value of the City and protect or increase property values;
30. The regulatory standards set forth in this Code are consistent with customary use in this City and will properly carry out the purposes of this Code.

B. Purpose: This Chapter establishes regulations governing the installation, alteration, relocation, maintenance, use, and removal of signs in the City in a manner that recognizes the importance of signage for the economic well-being of businesses within the City while promoting a quality visual environment and protecting our views and vistas. These regulations are further intended to balance the need to protect the public safety and welfare, the need for a well-maintained and attractive community, the need for adequate identification, communication and advertising; and, to protect free expression.

Specifically, this Chapter seeks to accomplish the following:

1. Encourage commercial communication which is responsive to the needs of the public in locating a business establishment by identification address, product, and/or service information; and
2. Promote the enhancement of business and residential properties and neighborhoods by fostering the erection of signs complementary to the buildings and uses to which they relate and which are harmonious with their surroundings; and
3. To protect and enhance the visual character and identity of the community by the thoughtful placement and design of signs; and
4. To reflect and support the desired character and development patterns of the various zones of the City by requiring that signs, adhere to section 13-6-7 of this title pertaining to the architectural design style for the City. Section 13-6-7 of this title states that these regulations are intended to implement and further the comprehensive plan of the City by ensuring that all development in the mixed use-town center and mixed use-town center north, and all commercial and public development within the City limits, is designed to be consistent with the adopted architectural theme of "turn of the century: western or Victorian"; and
5. Ensure that signs, including indoor signs visible from streets or ways open to the public, do not create obstructions to motorists by interfering with sight lines or directional traffic signs or in any other way endanger the safety, health, or welfare of citizens and visitors to the City; and
6. To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare; and
7. To ensure that the constitutionally guaranteed right of free speech is protected by regulating signs in a content-neutral manner; and

8. To improve pedestrian and traffic safety; and
9. Eliminate clutter and visual distraction by ensuring signs are appropriate in size and relationship to the subject property, street frontage and building size; and
10. Allow sufficient flexibility and incentive for creative and innovative sign designs; and
11. Safeguard and enhance property values, attract new residents, and encourage orderly City development; and
12. Allow for limited temporary commercial signage in the public right of way, to provide a flow of truthful and legitimate commercial information to consumers to enable them to make vital decisions, particularly as it relates to the purchase of a home, and to further the critical public goal of providing for equal access to housing; and
13. Ensure consistency with the goals and policies of the Comprehensive Plan.

13-7-2 DEFINITIONS:

The following definitions shall apply to this Chapter:

ABANDONED SIGN: A sign that no longer correctly identifies, exhorts, or advertises any person, business, lessor, owner, product, or activity conducted or available on the premises where such sign is located and which has not been changed or removed within one hundred eighty (180) days of a tenancy change; or an on-premises sign which is damaged, in disrepair, or vandalized and not repaired within sixty (60) days of the damaging event.

ANIMATED SIGN: Any permanent sign that flashes or simulates motion with an electronic or manufactured source of supply or contains wind actuated motion (excluding flags or banners). Animated signs may include a sign that meets the definition for revolving signs, or changing message centers.

BANNER SIGN: A permanent sign constructed of a rectangular shape of fabric or other suitable material which is attached or suspended at two (2) ends or continuously across the long side. Attachment or suspension may be from buildings and/or poles. Flags, insignias, canopy signs, and posters are not considered "banner signs".

BILLBOARD SIGN: A large permanent sign which directs attention to a business, profession, product, activity, or service which is not conducted, sold, or offered on the premises where the sign is located. The approximate size of the billboard faces ranges from 12 to 14 feet in height and 24 to 48 feet in width.

CANOPY SIGN: Any permanent sign that is part of or attached to a canopy, or a non-rigid, retractable or non-retractable, protective covering located at the entrance to a structure.

CHANGING MESSAGE CENTER. An electrically controlled permanent sign that displays different copy changes on the same lamp bank which change at intervals of 30 seconds or greater.

CENTER, SHOPPING. A multi-tenant building with one or more stories used for retail and service uses with a shared building and/or parking area.

COPY: The linguistic or graphic content of a sign.

DIRECTIONAL SIGN: A permanent non-commercial sign used to direct pedestrian or vehicular traffic to a facility, service, or business.

DISPLAY CASE: A permanent, freestanding sign with changeable copy.

ELECTRICAL SIGN: A permanent sign or sign structure in which electrical wiring, connections, and/or fixtures are used as part of the sign proper.

EXTERNAL ILLUMINATED SIGN: A permanent sign illuminated by an external light source.

FAÇADE: The entire building front, or street wall face, including grade to the top of the parapet or eaves, and the entire width of the building elevation.

FESTOON (GARLAND): A temporary strip or string of lights or other decorations.

FLAG. A temporary sign composed of a fabric sheet of square, rectangular or triangular shape which is mounted on a pole, cable or rope at one (1) end, including by way of example and not limitation, feather flags, bow flags, flutter and such similar flags.

FLASHING SIGN: An electrical permanent sign or a portion thereof which changes light intensity in a sudden transitory burst, or which switches on and off in a constant pattern in which more than one-third of the non-constant light source is off at any one time.

FLOATING SIGN: A permanent sign that is air or gas filled that floats or has movement in the air.

FREESTANDING SIGN: A permanent sign, not attached to any building or structure, which is securely and permanently attached to the ground or a built-up landscaped area. The height of a freestanding sign shall be measured from the crown of the road adjacent to the location of the sign or from the ground at the base of the sign supports to the top of the sign, whichever is higher in elevation.

FRONTAGE: The measurement, in linear feet, of the length of the property line for a single-tenant building or length of leased building frontage for multitenant buildings or multi building complexes.

GRADE: The relative existing ground level in the immediate vicinity of the sign.

GOVERNMENT FLAG. Any flag or badge or insignia of the United States, State of Washington, Pierce County, or City of Orting.

INCIDENTAL SIGN: A permanent sign, generally informational, that has a purpose secondary to the use of the property on which it is located, and which is used to do one or more of the following:

- A. Direct traffic flow, vehicular or pedestrian, i.e., "one-way", "crosswalk", "do not enter", etc.
- B. Clearly indicates location of ingress and egress points, i.e., "entrance", "exit";
- C. Direct certain activities to certain areas, i.e., "parking", "no parking", "waiting", "loading", etc.; or
- D. Provide other similar incidental information, i.e., "no trespassing", "no hunting", "phone", "ATM", "no dumping", "no loitering".

INTERNAL ILLUMINATED SIGN: A permanent sign with an internal light source shining through the face of the sign. Exposed neon signs are internally illuminated.

MONUMENT SIGN: A permanent freestanding sign having the appearance of a solid base of landscape construction materials such as brick, stucco, stonework, textured wood, tile, or textured concrete that are harmonious with the materials of the primary structure on the subject property.

OFF-PREMISES SIGN: A sign relating, through its message and content, to a business activity, use, product or service not available on the premises upon which the sign is erected.

ON-PREMISES SIGN: A sign which carries a message and content incidental to a lawful use of the premises on which it is located, including signs indicating the business transacted, services rendered, goods sold or produced on the premises, name of the person, firm or corporation occupying the premises.

PERMANENT SIGN. Any sign which is intended to be lasting and is constructed from an enduring material such as masonry and metal which remains unchanged in position, character, and condition (beyond normal wear), and is permanently affixed to the ground, wall or building, provided the sign is listed as a permanent sign in the ordinance.

PORTABLE SIGN: A temporary sign made of any material, including paper, cardboard, wood or metal, which is capable of being moved easily and is not permanently affixed to the ground, structure or building. This also includes sidewalk or sandwich board signs.

READER BOARD: A permanent sign face designed to allow copy changes either by manual or electronic means.

REAL ESTATE SIGN: Any temporary or permanent sign, which is used to offer property for sale, lease, or rent.

RESIDENTIAL DEVELOPMENT SIGN: A permanent sign which identifies a residential development upon which the sign is located.

REVOLVING SIGN: Any permanent sign that rotates or turns in motion by electrical or mechanical means in a circular pattern.

SANDWICH BOARD/SIDEWALK SIGN: A temporary portable sign consisting of two (2) sign faces hinged at the top and separated at the bottom to make it self-standing.

SEARCH LIGHT: An apparatus for projecting light: an apparatus for projecting a high intensity beam of light in any direction.

SIGN: Any writing, video projection, pictorial representation, number, illustration, decoration, flag, banner, pennant, emblem, or other device which is displayed for informational or communicative purposes. The term “sign” shall include the structure, including all associated brackets, braces, supports, lighting and wires, specifically intended for supporting a sign, whether the sign is free standing or attached or affixed to a building.

SIGN, COMMERCIAL. A permanent or temporary sign erected for a business transaction or advertising the exchange of goods and services.

SIGN HEIGHT: The vertical distance measured from the adjacent grade to the highest point of the sign, except the height of a freestanding sign shall be measured from the crown of the road adjacent to the location of the sign or from the ground at the base of the sign supports to the top of the sign, whichever is higher in elevation.

SIGN, NONCOMMERCIAL. Any permanent or temporary sign that is not a commercial sign. This definition also includes signs regarding fund raising or membership drive activities for noncommercial or nonprofit entities or groups and political signs.

SIGN STRUCTURE: Any structure that supports or is capable of supporting any sign as defined in this Chapter. A sign structure may be a single pole or may or may not be an integral part of the building or structure.

TEMPORARY SIGN: Any sign, banner, pennant, or valance constructed of cloth, canvas, light fabric, cardboard, wallboard or other like materials. Any sign not permanently attached to the ground, wall or building, intended to be displayed for a short period of time only.

WALL SIGN: Any sign attached directly to and supported by the wall of a building or permanent structure.

13-7-3 EXEMPTIONS:

The standards and regulations set forth in this Chapter apply to all signs proposed for installation in the City, with the exception of the following:

A. Historic site markers or plaques, gravestones, and address numbers not more than ten (10) inches in height;

B. Signs erected on public property by the state of Washington, the United States, the county of Pierce, or the City of Orting, displaying a public service message, or other regulatory, statutory, traffic control or directional message;

C. Plaques, tablets, or inscriptions indicating the name of a building, date of erection, or other commemorative information, which are an integral part of the building structure or are attached flat to the face of a structure or other natural surface, and do not exceed two (2) square feet in area;

D. Religious displays other than signs regulated by this Chapter;

E. A mural, defined as a one-of-a-kind, hand-painted, hand-tiled, or digitally printed image on the exterior wall of a building that does not contain any commercial message. Murals require a building permit from the City through the architectural design review process, OMC 13-6-7, prior to installation;

F. Signs displayed within the interior of any structure and not visible from streets or ways open to the public, except when such signs negatively impact public health and safety;

G. Incidental signs that do not exceed three (3) square feet in area;

H. Exterior signs bearing the name of the occupant of a dwelling unit, defined at OMC 13-2-5, not exceeding three (3) square feet in area;

I. Government flags;

J. Official or legal notices issued and posted by any public agency, as defined by law, or court; and

K. Public Notices of Development Applications required per OMC Ch. 15.

13-7-4 GENERAL REGULATIONS:

A. Conflict: Where regulations conflict within the provisions codified in this Chapter or with other ordinances, the most stringent regulation shall apply.

B. Visibility: No sign shall be erected that interferes with the visibility of traffic control devices or street name signs nor shall any sign be placed so as to cause visual obstruction of a public right of way.

C. Permanent Sign Structure and Installation: The structure and installation of all signs shall comply with this Chapter, Titles 13 and 10 of the OMC, and the latest adopted edition of the City's building code.

D. Architectural Details: Signs shall be located so as to complement the original architecture features and character of the building. Permanent signs are subject to the requirements of section 13-6-7 of this title. All signs may not cover or obscure important architectural details of a building such as stair railings, turnings, windows, doors, decorative louvers, or similar elements intended to be decorative features of a building design. All signs must appear to be a secondary and

complementary feature of the building facade. Wall signs must be located within architectural sign bands or other blank spaces which visually frame the sign. Blank wall sections above or between windows and doors, for example, may provide an effective location for signage. Signs hanging between pillars and archways may also be an effective design solution.

F. Owner Shall Maintain: All signs shall be maintained by the owner of the sign to show no signs of deterioration, including, but not limited to, rust, holes, discoloration, peeling paint, trash, or overgrowing weeds.

F. Illumination: All sign illumination shall be by indirect lighting and shall be lighted in such a manner that glare from the light source is not visible to pedestrian or vehicle traffic. Temporary signs shall not be illuminated.

G. Permanent Freestanding Signs: Permanent freestanding signs are considered structures for purposes of compliance with required setbacks. Landscaping shall be used in conjunction with all permanent freestanding signs and may utilize shrubs and plantings or decorative features such as concrete bases, planter boxes, or ornaments.

H. Ownership and Removal of Signs:

1. Private Property: The property owner or lessee is responsible for all signs on private property and compliance with this Chapter and all other applicable regulations. The property owner or lessee shall immediately remove all illegal, damaged, vandalized or abandoned signs. Signs on private property in violation of this Chapter shall be abated by the City pursuant to the process set out in this Chapter.

2. Public Right of Way: Except as otherwise provided in this Chapter, no permanent signs shall be placed in the public right of way. Temporary non-commercial signs may be placed in the public right of way with a permit issued by the City, and are subject to the regulations set forth in this Chapter. The permittee shall remove permitted temporary sign(s) placed in the public right of way, pursuant to the terms of the permit. The City or its agents may summarily remove any sign placed in the right-of-way or public property in violation of the terms of this Chapter and is entitled to recover the costs of abatement from the permittee, in accordance with the process set out in this Chapter.

I. Directional Signs: On premises permanent directional signs not exceeding four (4) square feet in area may be permitted for each entrance or exit to a surface parking lot. Permanent directional signs may be permitted within the public right of way with the permission of the immediately adjacent property owner, pursuant to the permit process stated in this Chapter. Off premises permanent directional signs, whether on private or public property, shall only identify the facility or site and its distance and direction from the sign.

J. Sign Area Determinations:

1. Sign area for freestanding signs other than monument signs shall be calculated by determining the total surface area of the sign as viewed from any single vantage point, excluding support structures.

2. Sign area for letters or symbols painted or mounted directly on wall or monument signs shall be calculated by measuring the smallest single rectangle which will enclose the combined letters and symbols.

3. Sign area for signs contained entirely within a cabinet and mounted on a wall or monument shall be calculated by measuring the entire area of the cabinet.

4. Perimeter of all other signs shall be established by the smallest rectangle enclosing the extreme limits of the letter module or advertising message being measured.

K. Installation Prohibited:

1. No sign shall be installed, attached to, supported by or propped up against any utility pole, light standard, traffic sign, tree, fire hydrant, or any other public facility located within the public right of way.

2. No sign shall be mounted above the roofline and/or on the roof of a building.

13-7-5 PERMIT REQUIRED, ADMINISTRATION:

A. Permanent Signs - Permit Required: Except as otherwise provided in this Chapter, no permanent sign shall be erected, altered, or relocated within the City without a sign permit issued by the City of Orting Building Department, following submission, review and approval of the sign through the architectural design review process, set out in OMC 13-6-7. This Chapter shall not be construed to require any permit for the change of copy (font design must conform to ADR's) on any sign, nor for the repainting, cleaning, and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign structure has not been modified in any way.

1. Application: A City sign permit application must be completed and submitted to the City Building Department, and shall include the following:

a. All plans and layouts for the proposed sign, including a drawn to scale site plan to be submitted to the City; and

b. Evidence of commercial general liability insurance with a responsible insurance company, licensed to do business in the state of Washington, properly protecting and indemnifying the City for injury to or death of persons and for property damage arising out of the presence of the permitted sign, including but not limited to a certificate or certificates of insurance, in a form acceptable to the City, and naming the City as an additional insured.

2. No sign permit shall be issued for any sign subject to design review and approval until such time as the sign has been approved pursuant to section 13-6-7 of this title.

3. Time Limitations: Sign permits authorized by the City of Orting Building Department shall expire within one hundred eighty (180) days, if the sign installation has not been completed and approved. If the sign installation has not been completed and approved

within that time period, the permit may be extended for a single period of up to one hundred twenty (120) days from the date of expiration of the initial permit, if the request for extension is made prior to the expiration date of the initial permit. Once the sign is installed and approved by the Building Department, the permit shall expire one (1) year from the date of issuance.

B. Temporary Signs – Permit Required: Except as otherwise provided in this Chapter, no temporary sign shall be erected, altered, or relocated within the City without a sign permit issued by the City of Orting. To obtain a permit, the permittee shall submit an application to the Cashier at City Hall, along with the proposed sign. The permit shall state the permit’s expiration, which shall be set in accordance with this Chapter.

13-7-6 PROHIBITED SIGNS, ALL ZONES:

The following signs are prohibited in all zones within the City:

- A. Permanently constructed signs located in or projecting into the public right of way, unless otherwise provided in this Chapter;
- B. Any sign attached to or placed on a vehicle or trailer parked on public property. The prohibition of this subsection does not prohibit the identification of a firm or its principal products on a vehicle operating during the normal course of business;
- C. Signs which blink, flash, rotate, contain changing images or text that are electronically generated, or are animated by lighting in any fashion, or that are internally illuminated;
- D. Signs which by coloring, shape, wording, or location resemble or conflict with traffic control signs or devices;
- E. Off premises signs, signage on fencing, and commercial signs in primarily residential zones (RC, RU, RMF), except as specifically allowed in this Chapter;
- F. Billboard signs;
- G. Floating signs; and
- H. Mannequins used for signage.

13-7-7 SANDWICH BOARD SIGNS:

A. Sandwich board signs are a type of temporary sign permitted by the City in accordance with this Chapter but are subject to the permitting process for permanent signs, including architectural design review process stated at OMC 13-6-7. Applicants must provide all information required in OMC 13-6-7 and 13-7-5 to the City of Orting Building Department and must also provide the City with proof of continuous liability insurance for any harm attributable to the sign in an amount established by the City at the time of permit issuance.

B. Sandwich board signs are allowed subject to the following restrictions:

1. Sandwich board signs are limited to thirty-six inches (36") in height and thirty inches (30") in width. They must be constructed of durable materials.
2. Sandwich board signs may be located on public sidewalks or adjacent areas in a manner so as to allow adequate pedestrian circulation allowing a minimum of three (3) feet of available sidewalk path, including safe and unconstrained access to parked vehicles. Sandwich board signs shall be placed adjacent to the sign owner's business or premises except when the applicant can demonstrate a need for placement up to one hundred feet (100') from the business or premises and with the permission of the immediately adjacent property owner(s).
3. No sandwich board sign shall be placed within thirty (30) feet of another sandwich board sign.
4. Under no circumstances may a sandwich board sign be placed on the portion of the public right of way upon which vehicles regularly traverse or park. No sign shall be placed in median strips, planter/traffic islands, or in the roadway, including on vehicles. The City shall determine, at its sole discretion, the approved location of sandwich board signs to ensure pedestrian safety and vehicle circulation. Sandwich board signs shall not be located within thirty feet (30') of street intersections or where they inhibit motorist sight distances.
5. No single business or other party shall site more than one sandwich board sign within the City.
6. Sandwich board signs may only be displayed during the hours the premises or business is open to the general public, provided non-commercial sandwich board signs may be placed in the public right of way for a maximum period of twelve (12) hours per each twenty-four (24) hour period.
7. Sandwich board signs that are not permitted or are otherwise out of compliance with this Chapter shall be abated by the City, pursuant to the process set out in this Chapter.
8. The sign owner shall maintain the sign in the condition originally approved.
9. Sandwich board signs are not subject to the time limits as stated in 13-7-8 C-1-iii

13-7-8 TEMPORARY SIGNS:

A. Temporary signs are allowed throughout the City, subject to the restrictions imposed herein and other relevant parts of this code. No temporary commercial or noncommercial sign shall be located on public property, or within public easements or street rights of way, except as otherwise

provided in this Chapter. Except as otherwise provided in this Chapter, temporary signs shall be exempt from the architectural design review requirements of section 13-6-7 of this title.

B. Placement and Size.

1. No temporary signs shall be located within the center median of principal, minor, and collector arterials or within roundabouts, traffic circles, or islands, or within ten (10) feet from any intersection so as to preserve driver site visibility. No temporary signs over thirty-six (36) inches in height are permitted within 15 feet of a road or driveway.

2. Temporary signs shall not be illuminated.

3. Temporary signs shall not be attached to any utility pole, fence, building, structure, object, tree or other vegetation located upon or within any public right-of-way or publicly owned or maintained land.

4. Temporary signs shall not be erected without the permission of the owner of the property on which they are located, nor shall they be placed in such a manner as to obstruct or interfere with traffic or endanger the health or safety of people or endanger property.

C. Additional Regulations Specific to Temporary Commercial Signs.

1. General Commercial Signs.

i. No business or other party shall display more than two (2) temporary commercial signs simultaneously for no longer than thirty (30) continuous days.

ii. No two temporary signs may be closer together than thirty (30) feet.

iii. Temporary signs may be displayed for no more than six (6) 30-day periods, per sign, within a calendar year.

2. Construction: Development projects under construction shall be permitted to place one sign on each street frontage during the period of construction. The total area of all construction signs for each project shall not exceed thirty-two (32) square feet. No construction signs shall be placed until the City has issued a building permit for the project and the sign has been issued a Temporary Sign Permit.

3. Temporary Signs Placed on Property for Sale or Lease. Temporary signs placed on property for sale or lease are permitted, subject to the following:

i. Zones Permitted: Temporary signs placed on property for sale or lease shall be permitted in all zones except the public facilities, open space and recreation zones.

ii. On-Premises: Such signs shall be limited to one sign per street frontage not to exceed six (6) square feet in sign area per side, placed wholly

on the property for sale. All temporary signs placed on property for sale or lease shall be removed within five (5) days of the final sale or rental.

iii. Off-Premises: During any time when a property for sale or lease is open for public viewing, one (1) sign per dwelling unit or property for sale or lease may be displayed:

- a. on private property, with the consent of the property owner; or
- b. in public rights-of-way, other than paved vehicular travel lanes, paved parking areas, sidewalks or pedestrian paths, driveway aprons and center medians.

4. Temporary signs advertising the sale of lots located within a planned development under construction shall be permitted; provided, that there shall be no more than one sign per entrance, and each sign shall be not greater than thirty two (32) square feet in area, no greater than eight feet (8') in height, and erected for no longer than a period of one year.

5. Sign Plan. At the time of submittal of an application for final planned development and/or plat approval, the applicant shall submit a sign plan which shall identify all proposed on-site and off-site locations, sizes, and designs for proposed temporary signs advertising the lots and/or houses. The sign plan shall also describe the applicant's responsibility for sign maintenance and removal, which shall be prepared in accordance with the terms of this Chapter. The approved sign plan shall be in force for one year unless an extension is granted by the City.

D. Additional Regulations Specific to Temporary Noncommercial Signs.

1. Temporary noncommercial signs on private property shall not exceed three (3) square feet in area.

2. Temporary noncommercial signs may be placed in the public right of way, subject to the following:

a. The sign shall not exceed three (3) square feet in area;

b. The sign shall not be displayed for longer than 180 days per calendar year;

c. The sign shall be designed and constructed so as not to interfere with the sight distance of, or otherwise present a hazard to, motorists proceeding on or approaching on adjacent streets, alleys, driveways, or parking areas, or of pedestrians proceeding on or approaching on adjacent sidewalks or pedestrian-ways, as determined in the City's sole discretion; and

d. There shall be a minimum of 30 feet between each sign pertaining to the same noncommercial topic, organization, entity or person.

13-7-9 LIMITATIONS ON PERMANENT SIGNS:

A. Number, Type, Size, and Height Limitations: All permanent signs subject to regulation under this Chapter are subject to the following limitations upon number, height, size, and type:

Frontage On A Public Right Of Way In Feet	Number Of Signs Permitted	Type Of Signs Permitted	Total Aggregate Limit Of All Signs	Maximum Height Of Signs
Less than 50	2	Canopy, wall and under canopy	Maximum of 10% of square footage of building facade	Building sign shall not extend above the roofline. Projected signs and under canopy signs must provide a minimum 7'6" clearance from sidewalk
At least 50 but less than 100	2	Parapet signs, canopy, wall and under canopy	Maximum of 10% of square footage of building facade	Building sign shall not extend above the roofline. Projected signs and under canopy signs must provide a minimum 7'6" clearance from sidewalk
At least 100 but less than 200	2	Parapet signs, canopy, wall and under canopy	Maximum of 10% of square footage of building facade	Building sign shall not extend above the roofline. Projected signs and under canopy signs must provide a minimum 7'6" clearance from sidewalk
At least 200 but less than 300	3	Parapet signs, canopy, wall, under canopy and freestanding	Maximum of 10% of square footage of building facade	Freestanding sign height shall not exceed 5 feet and building sign shall not extend above the roofline. Projected signs and under canopy signs must provide a minimum 7'6" clearance from sidewalk

Greater than 300	3	Parapet signs, canopy, wall, under canopy and freestanding	Maximum of 10% of square footage of building facade	Freestanding sign height shall not exceed 8 feet and building sign shall not extend above the roofline. Projected signs and under canopy signs must provide a minimum 7'6" clearance from sidewalk
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B. Retail Or Mixed Use Centers:

1. One freestanding monument sign shall be permitted for each street frontage of each center, subject to architectural design review and permitting under OMC 13-6-7 and OMC 13-7-11. The maximum sign area permitted is one hundred sixty (160) square feet for the total of all faces, and no one face shall exceed eighty (80) square feet. The maximum height of a monument sign shall be eight feet (8').

2. A maximum of thirty (30) square feet of sign area shall be permitted for each individual establishment in a center, subject to architectural design review and permitting under OMC 13-6-7 and 13-7-11. No combination of signs shall exceed ten percent (10%) of the facade to which they are attached.

C. Other Permitted Permanent Signs:

1. Permanent Residential Development Signs: One sign at each entrance into the development from each abutting street is permitted, subject to architectural design review and permitting under OMC 13-6-7 and 13-7-11. The sign may be a single sign with two (2) faces of equal size or may be two (2) single faced structures of equal size located on each side of the entrance. Sign faces shall not exceed thirty-two (32) square feet in area. Signs may be externally illuminated.

a. Development signs shall be maintained perpetually by the developer, the owner of the sign, the homeowners' association, or some other entity who is authorized in accordance with the permit.

2. Permanent Residential Home Based Business Signs: Home based businesses may display a limit of one sign. The sign shall be no more than six (6) square feet in size and requires a city permit. The sign will not require Architectural Design Review. The sign can be placed on the home or in the yard. If the sign is placed in the yard it must be at least one (1) foot away from sidewalks and/or the property line. The sign cannot be more than 3' high from the ground. No lighting allowed of any type. In neighborhoods with Home Owners Association Covenants and Restrictions, home based business signs may not be allowed.

D. Projected and Under Canopy Permanent Signs: Projected and under canopy signs are subject to architectural design review and permitting under OMC 13-6-7 and 13-7-11. A projected sign or under canopy sign may encroach within, upon or over the public right of way, including any public sidewalk, provided that, such sign meets the requirements of this Chapter, the proposed sign is designed and constructed so as not to interfere with the sight distance of, or otherwise present a hazard to, motorists proceeding on or approaching on adjacent streets, alleys, driveways, or parking areas, or of pedestrians proceeding on or approaching on adjacent sidewalks or pedestrian ways, and the sign meets the provisions of OMC 13-7-8.

13-7-10 SIGN VARIANCES:

Any person, business or entity seeking to utilize a sign that is not permitted pursuant to the regulations stated in this Chapter may seek a variance from these regulations. The planning commission reviews sign variance applications and determines if the variances are to be granted using the following criteria:

A. The granting of the sign variance would not be materially detrimental to the property owners in the vicinity, and the variance sought is of minimum sign size, height, and scope to meet the conditions and needs of the applicant;

B. The granting of the variance would not be contrary to the objectives of this Chapter and section 13-6-7 of this title;

C. The signage of the property in question cannot be adequately met under the literal interpretation and strict application of this Chapter; and

D. The granting of the variance is necessary because of special circumstances relating to property location, topography, shape, size, sight distance, and limited view to property.

13-7-11 NONCONFORMING SIGNS:

A. For the purpose of this section, a "nonconforming sign" shall be defined as a sign that meets the following criteria:

1. The sign was lawfully erected as evidenced by prior approval by the Planning Commission; and

2. The sign existed prior to the adoption and/or relevant amendment of these regulations, in the same location affixed in a permanent manner to the ground or the building without modification other than routine maintenance and repair; and

3. The sign is associated with an existing and operating business or activity; and

4. The sign fails to meet one (1) or more requirements of this Chapter.

B. All on-site and off-site nonconforming signs not otherwise prohibited by the provisions of this Chapter, installed prior to the year 2000, shall be removed or altered to conform to the provisions of this Chapter when:

1. The nonconforming sign is of a temporary nature;
2. The nature of the business conducted on the premises changes and the sign is changed or modified either in shape, size, or legend;
3. The name of the business changes and the sign is changed or modified either in shape, size, or legend; or
4. The business is discontinued. In this event, the sign(s) and supporting structure(s) shall be removed by the property owner. If said sign(s) is not removed within the specified time period, the City may remove the sign and file a lien against the property to cover costs associated with said removal.

C. Nonconforming signs may not be enlarged or altered in a way which would increase nonconformity.

D. Should any nonconforming sign be damaged by any means to an extent of more than fifty percent (50%) of its replacement cost at time of damage, it shall not be reconstructed except in conformity with the provisions of this Chapter.

E. A nonconforming sign as defined by this section shall be deemed lawful subject to all requirements of this Chapter and this title with the following exceptions: (1) the requirement to obtain a sign installation permit; and (2) enforcement by the City for exceeding or violating limitations on size, shape, location or design imposed by this title.

13-7-12 ABATEMENT OF ILLEGAL SIGNS:

A. Public Nuisance Declared: Any sign that violates the provisions of this Chapter shall be deemed a public nuisance, and shall be abated in accordance with OMC 5-1-7, subject to the following:

1. If the sign is located on private property, the City shall notify the property owner of the existence of the public nuisance and shall direct the owner to remove the sign within ten (10) calendar days after the notice. Failure to remove the sign in accordance with the notice shall also constitute a civil violation, in accordance with OMC 1-13-6. The City shall be entitled to recover all costs of abatement from the property owner, including attorney's fees and costs pursuing abatement for continued violations.
2. The City may remove signs which violate the provisions of this Chapter and constitute a public nuisance from public rights of way and public property, at any time. The owner of the sign, if known, shall be given written notice that the sign shall be destroyed if it is not claimed within ten (10) days of the notice. Failure to remove the sign in accordance with the notice shall also constitute a civil violation, in accordance with OMC 1-13-6. The City shall be entitled to recover all costs of abatement from the property owner, including attorney's fees and costs pursuing abatement for continued violations.

13-7-13 LIABILITY OF CITY:

This Chapter shall not be construed to relieve from or lessen the responsibility of any person owning, building, altering, constructing, or moving any sign in the City for damages to anyone injured or damaged either to person or property by any defect therein; nor shall the City, or any agent thereof, be held as assuming such liability by reason of a permit or inspection authorized herein or a certificate of inspection issued by the City or any of its agents.

13-7-14 SEVERABILITY

Should any section, paragraph, sentence, clause or phrase of this Chapter, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Chapter be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Chapter or its application to other persons or circumstances.