

SEQUIM CITY COUNCIL AGENDA COVER SHEET

MEETING DATE: June 25, 2012

FROM: Craig Ritchie, City Attorney

CAR
Initials

SUBJECT/ISSUE: Sign Code amendments

Discussion dates				
CATEGORY	<input type="checkbox"/> City Manager Report	<input checked="" type="checkbox"/> Information Only	Time Needed for Presentation	
	<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Consent Agenda		
	<input type="checkbox"/> Unfinished Business	<input type="checkbox"/> New Business		
Reviewed by	Initials		Date	
Steve Burkett, City Manager	SCB		6-19-2012	
Chris Hugo, Director of Community Development	CRH		6-19-2012	

PROBLEM/ISSUE STATEMENT:

The City revised its sign code after a 9th Circuit federal appellate court decision threw out a similar sign code because it wasn't "content neutral." The crafting of a new code meeting the stated and implied court requirements is difficult. Our first attempt was widely circulated and publicized. Now we have had time to find some of the problems. Staff would like the City Council to look at some of the issues and give direction on the goals for our sign code especially for temporary and portable downtown signs.

LIST OF ATTACHMENTS:

1. [Draft sign code change SMC 18.65](#)

DISCUSSION/ANALYSIS: Sign ordinances are always controversial. Sign ordinances are necessarily complex because they must be precise and they must be constitutional. The goal is to reduce clutter and hazards but still provide for this quaint longstanding method of attracting customers and expressing points of view. This may add to the ambiance of a small town or detract from it. Normally everyone agrees that there is too much clutter of signs but rarely do people agree on the solution, especially as applicable to an individual's own sign.

The issue of a need for changes in our sign ordinance was presented on September 27, 2010. In 2006, the 9th Circuit Court of Appeals (the federal court system with jurisdiction over Washington) invalidated the City of Redmond's

ordinance which prohibited off premises commercial signs, except real estate open house directional signs. This case, affectionately known as the “Blazing Bagels” case, held Redmond’s Ordinance to be an improper content-based regulation. The laws and Constitutional issues pertaining to sign code regulation are complex and involve a variety of often competing interests. This was fully discussed on September 27, 2010.

Issues often are:

1. What about blood drive, hospital guild sale, open house, garage/estate sale signs?
2. What about off-site gold buyer, mattress sale, charity car wash signs?
3. What about directional “Widget Store this way→” signs?
4. What about pedestrian oriented vs. vehicular traffic oriented signs?
5. What about signs at the city’s entrances and signs at major intersections?

We have been applying and enforcing the new sign code provisions for a while and find that it needs tweaking. It is time for some revision of the regulations governing temporary and portable and hand-held signs.

The attached revision of the sign code is based upon the theory that portable and temporary signs in the Downtown Sub Area ought to be pedestrian oriented signs. Menu boards, outdoor merchandise displays and associated signs should be smaller type and provide more useful information for pedestrian passersby. “For Rent” and “For Sale” signs need larger typefaces because pedestrians are not likely renters or buyers. Although we have tried to deal with many issues, this revision will not be the last. The major changes include a definition of a “Triggering Event” which is more narrow but also more clear. It does not allow any “sales event” to be a triggering event. We also added a provision for grand opening events and quitting business events. A major addition is the potential use of City Kiosks for downtown walking directions and store identification – perhaps similar to Coeur d’Alene. Portable signs would be allowed on all properties if set back from street frontage. A provision which might have allowed signs of unlimited height was removed. Also removed are special provisions for portable signs on 5th street and certain other areas. Those signs would now have to comply with downtown portable sign daily removal requirements.

FINANCIAL IMPLICATIONS: None

RECOMMENDATION: None at this time, though Staff welcomes discussion and direction from Council on this matter.