

ORDINANCE NO. 2013-06

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to the placement of commercial signs off-site and/ or within the right-of-way and amending Sections 15.08.010, 15.08.030, 15.08.040, 15.08.115, 15.08.120, 15.08.130 and 15.08.150 of the Bainbridge Island Municipal Code.

WHEREAS, the City desires to allow limited placement of commercial signs off-site; and

WHEREAS, the City desires to allow limited placement of commercial signs within the right-of-way; and

WHEREAS, the City wishes to have consistent requirements for all signs placed within the right-of-way; and

WHEREAS, the City wishes to require that the permission of the adjacent/abutting property owner be obtained before signs are placed in the right-of-way; and

WHEREAS, timely notice was given to the Department of Commerce in conformance with RCW 36.70A.106; and

WHEREAS, the City held a public hearing on the proposed amendments on May 22, 2013; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 15.08.010 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

15.08.010 Purpose.

The purpose of this chapter is as follows:

- A. To promote and protect the public welfare, health and safety.
- B. To encourage the installation of signs which harmonize with building design, natural settings and other geographical characteristics of the locations in which they are erected.
- C. To create a more attractive economic and business climate.

D. To reduce distractions and obstructions from signs which would adversely affect traffic safety and reduce hazards that may be caused by signs overhanging or projecting over or within public rights-of-way.

Section 2. Section 15.08.030 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

15.08.030 Signs not requiring a permit.

The following signs shall not require a permit:

A. Signs erected or posted and maintained for public safety and welfare or pursuant to any law or regulation;

B. Bulletin boards, either one or two sided, with no face exceeding 20 square feet in display area, associated with any church, museum, library, school, or similar use; provided, that the top of such signs shall be less than eight feet high and such signs shall meet all other provisions of this chapter;

C. Directional signs solely indicating ingress or egress, the display area not exceeding three square feet;

D. Signs relating to trespassing and hunting, not exceeding two square feet of area;

E. Signs displaying address numbers only, not exceeding two square feet of area;

F. Culturally, historically or architecturally significant signs, existing at the time of passage of the ordinance codified in this chapter and officially recognized by the city. Designation of culturally, historically or architecturally significant signs will be adopted by separate resolution;

G. Any window sign four square feet or less in size; provided, that no single sign or combination of signs shall exceed 25 percent of an individual window area;

H. Agricultural products signs advertising products grown on or produced at the subject property. The signs shall be allowed at each street frontage, and shall be temporary, erected for a period not exceeding 10 days prior to the availability of the products for sale, and removed when the products are no longer available for purchase. The maximum sign area shall not exceed 10 square feet for each face of a single or two faced sign;

I. Single signs, not exceeding 24 square feet in area, mounted at a height not exceeding 20 feet above grade, displaying the name of a farm. The farm shall meet the standards as defined in BIMC 16.20.020;

J. Banners, not exceeding 30 square feet in area, displayed by a nonprofit or civic organization. The banners and flags are not required to be displayed on the premises of the organization, and may be displayed for a maximum of two periods not exceeding 14 days total within any calendar year;

K. Bannerets, not exceeding 12 square feet in area, displayed by a city council-designated civic organization. Bannerets shall not advertise or promote any individual business or the sale of any product or commodity, and shall only be erected on city-approved standards and in approved locations within the Mixed Use Town Center zone. The city council may delegate the authority to manage and coordinate the erection and removal of bannerets to a civic organization;

L. Construction signs, not exceeding one per construction site, and not exceeding 12 square feet in area, when erected in connection with a building permit. The sign shall be removed within 30 days of the occupancy of the structure. Public works projects are authorized to install signs at the ends of a project which shall not exceed 32 square feet in area;

M. For sale/rent or lease signs on the property being sold, rented or leased. One sign, not exceeding six square feet in area, shall be allowed on each street frontage;

N. Political signs in accordance with BIMC 15.08.095;

O. On-site signs, intended to be temporary, either the same sign or different sign, may be displayed for a maximum of two periods not exceeding 14 days total within any calendar year. Signs must conform to size and location limitations of this chapter.

P. Public right-of-way signs shall conform to the current Manual on Uniform Traffic Control Devices (MUTCD), as modified, and in developments, shall be installed by and at the applicant's expense.

Q. Off-site non-commercial signs, intended to be temporary, in accordance with the following:

1. Located on private property must obtain the permission of the property owner. Posted within public right-of-way only if the sign does not interfere with sight distances and does not create a vehicular, cyclist, wheelchair or pedestrian traffic obstruction or hazard, and permission to place the sign in the right-of-way has been obtained from the abutting property owner. Contact information for the owner of the sign (name, telephone number) must be included on all signs.

2. Freestanding (under 18 inches in height and 24 inches wide) or sandwich board signs (meeting the size requirements of BIMC 15.08.090.E).

3. Regularly inspected to ensure that they have not been damaged or destroyed by natural forces or vandalism. Damaged or destroyed signs shall be immediately removed or repaired so as to avoid threats to public health and safety or the accumulation of unclaimed refuse upon the public rights-of-way.

Section 3. Section 15.08.040 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

15.08.040 Prohibited signs.

The following signs are prohibited:

A. Billboards, streamers, pennants, ribbons, spinners or other similar devices.

B. Flashing signs, roof signs, signs containing moving parts or appearing to move, and signs which sparkle or twinkle in the sunlight.

C. Signs advertising or identifying a business or organization which is defunct.

D. Signs, except for traffic, regulatory, or informational signs, using the words “stop,” “caution,” or “danger,” or incorporating red, amber, or green lights resembling traffic signals, or resembling “stop” or “yield” signs in shape or color.

E. Signs advertising a business or organization not located on the parcel containing the business or organization except signs erected by the state of Washington.

F. Signs erected within the public rights-of-way, access corridors or easements, except the following: signs erected by the city or state; those signs projecting/hanging over the public sidewalk, erected in compliance with the Mixed Use Town Center design guidelines; ~~and~~ political signs displayed in compliance with BIMC 15.08.095.; and temporary signs in compliance with BIMC 15.08.115 or BIMC 15.08.030(Q).

G. Signs with content or subject matter that constitutes obscenity as defined by law.

H. Portable reader boards and signs mounted on stationary, unlicensed vehicles.

I. Illuminated features, on the exterior of a building that call attention to the building or product sold within the building.

J. Any window sign(s) exceeding four square feet in area or exceeding 25 percent of an individual window area.

K. Neon facade signs except as permitted in BIMC 15.08.080.C.6.

L. On-premises signs in the natural, conservancy, aquatic conservancy and aquatic shoreline environments, except for navigation aids and public information.

M. Signs placed on trees or other natural features.

N. Signs on any utility pole, traffic control device, lamp post, or any other public building or structure.

O.. Any sign placed without the necessary permit or not in accordance with the size place and manner limitations provided in this chapter.

Section 4. Section 15.08.115 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

15.08.115 ~~Freestanding or sandwich board~~ Temporary off-site commercial signs.

A. Off-site signs, intended to be temporary, either the same sign or different sign, may be displayed for a maximum of 36 days within a twelve-month period. Temporary off-site signs located on private property must obtain the permission of the property owner. Temporary off-site signs may be posted within public right-of-way only if the sign does not interfere with sight distances and does not create a vehicular,

cyclist, wheelchair or pedestrian traffic obstruction or hazard, and permission to place the sign in the right-of-way has been obtained from the abutting property owner. Contact information for the owner of the sign (name, telephone number) must be included on all signs.

B. All temporary off-site signs relating to a specific meeting, event, or occurrence shall be removed immediately following the conclusion of the meeting, event, or occurrence to which they relate.

C. Temporary off-site signs shall be freestanding (under 18 inches in height and 24 inches wide) or sandwich board signs (meeting the size requirements of BIMC 15.08.090.E).

D. Temporary off-site signs shall be regularly inspected to ensure that they have not been damaged or destroyed by natural forces or vandalism. Damaged or destroyed signs shall be immediately removed or repaired so as to avoid threats to public health and safety or the accumulation of unclaimed refuse upon the public rights-of-way.

E. Temporary off-site signs are exempt from BIMC 15.08.030.C, 15.08.040.E, and 15.08.090.B.1.

F. A permit in accordance with BIMC 15.08.120 and identifying the dates the signs will be displayed shall be obtained for each twelve-month period.

G. All signs visible from Highway 305 must be in conformance with the standards of the Scenic Vistas Act (RCW 47.42 and WAC 468-66) that is incorporated herein by this reference as well as the related Washington State Department of Transportation ("WSDOT") rules, regulations, and noncompliance penalties; provided that all signs within the city shall also be subject to any additional restrictions as provided in this chapter. In the case of conflict between the requirements of the Scenic Vistas Act and this chapter, the more restrictive requirement shall apply.

A. Home Occupations. Up to 10 freestanding signs (under 18 inches in height and 24 inches wide) or sandwich board signs (meeting the size requirements of BIMC 15.08.090.E), advertising on-site sales at home occupations, as regulated under BIMC 18.09.030.I.2 and I.3, may be placed off of the parcel upon which the home occupation is located with permission of the parcel owner, or within the public right of way located as far as possible from the street or road so as not to create a traffic hazard or obstruction, for a maximum of 21 days. These signs are exempt from BIMC 15.08.030.C and O, 15.08.040.E and F, and 15.08.090.B.1. The

~~home occupation business owner shall obtain a permit for all signs from the planning and community development department. The permit shall describe the size, content, and location of the signs and the days on which the signs will be displayed. There shall be no fee for the permit.~~

~~B. Events and Tours. Freestanding (under 18 inches in height and 24 inches wide) or sandwich board signs (meeting the size requirements of BIMC 15.08.090.E), advertising community events or self-guided tours of city residences and places, may be placed for a maximum of 21 days off of the parcel upon which the event or tour is located with permission of the parcel owner, or within the public right of way located as far as possible from the street or road so as not to create a traffic hazard or obstruction. These signs are exempt from BIMC 15.08.030.C and O, 15.08.040.E and F, and 15.08.090.B.1. The event or tour sponsor shall obtain a permit for all signs from the planning and community development department. The permit shall describe the size, content, and location of the signs and the days on which the signs will be displayed. There shall be no fee for the permit.~~

Section 5. Section 15.08.120 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

15.08.120 Permits required.

A. No signs, except those described in BIMC 15.08.030 and 15.08.100(C), shall be erected without a valid sign permit.

B. Permit application requirements shall be determined by the director and shall include a site plan showing the location of the signs, the position of buildings and landscaped areas, the elevations of the signs and the configuration and size of the signs.

C. A valid sign permit is required before altering an existing sign or repairing a sign where the repair exceeds 50 percent of the replacement cost.

D. Legally established signs that include changeable copy are exempt from permit requirements for altering the changeable copy.

Section 6. Section 15.08.130 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

15.08.130 Permit fees.

A. ~~Plan check fees, p~~Permit fees and inspection fees shall be as established by the city council by resolution.

~~B. Until January 1, 2000, permit fees shall be waived for signs replacing noneonforming signs.~~

Section 7. Section 15.08.150 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

15.08.150 Enforcement and penalties.

A. Anyone violating or failing to comply with the provisions of this chapter shall, upon conviction thereof, be punishable by fine of not more than \$500.00, or by imprisonment for not more than six months, or by both fine and imprisonment, and each day's violation or failure to comply shall constitute a separate offense.

B. In addition to any other sanction or remedial procedure which may be available, any person failing to comply with a notice of violation or order issued by the building official, or failing to comply with any other provision of this chapter, shall be subject to cumulative civil penalty in the amount of \$500.00 per day from the date set for compliance until compliance with such violation or order.

C. In addition to instituting criminal prosecution for violation of any of the provisions of this chapter, the city, through the city attorney, may institute civil proceeding in the Bainbridge Island municipal court or the superior court of the county to obtain a temporary restraining order or injunction prohibiting violation of this chapter and to collect any fines, fees or penalties due under the provisions of this chapter.

D. The city may remove and dispose of signs that it determines are a threat to public safety and recover costs from the owner of the property on which the sign is located or the sign owner. Within 10 days of removal of a sign, and upon payment of the costs of removal, the owner may recover a sign. Any temporary off-site sign posted in the public right-of-way in violation of the regulations set forth in BIMC 15.08.115 constitutes a trespass upon public property and is declared to be a public nuisance. Such signs shall be subject to immediate abatement by removal and confiscation.

Section 8. This ordinance shall take effect and be in force five (5) days from its passage, approval, and publication as required by law.

PASSED BY THE CITY COUNCIL this 22nd day of May, 2013.

APPROVED BY THE MAYOR this 22nd day of May, 2013.



Steven Bonkowski, Mayor

ATTEST/AUTHENTICATE:



Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK:	March 29, 2013
PASSED BY THE CITY COUNCIL:	May 22, 2013
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