

# Ordinance No. 00113

[\(Council Minutes 97/02/03\)](#)

ORDINANCE NO. 113

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending the provisions of Chapter 18.45 of the Lakewood Municipal Code relating to signs

WHEREAS, among the provisions included in the Interim Zoning and Land Use Codes of the City, codified as Title 18 of Lakewood Municipal Code, where provisions and regulations dealing with signs, codified as Chapter 18.45 of the Lakewood Municipal Code; and

WHEREAS, the initial provisions and regulations included in the Interim Zoning Code were developed pursuant to numerous public hearings and participation of citizen groups, however, as the provisions included in the interim sign code were applied, it was determined that some of the regulations and provisions could be modified to enhance certain commercial applications yet still protecting the concerns included in the regulatory approach; and,

WHEREAS, in order to develop sign code regulations to meet the needs of the City, representatives of the City have met with a Lakewood Chamber of Commerce Sign Committee, and have incorporated a number of modifications to the Sign Code to enhance the sign code regulations and to custom fit those regulations to meet the needs of the City; and,

WHEREAS, following the development of draft sign code regulations, the modifications and amendments to Chapter 18.45 were reviewed and considered by the City of Lakewood Planning Advisory Board at a public hearing held for that purpose, on January 22, 1997, at which public hearing all persons wishing to speak to the issues of the amendments to the sign code were heard, and the Planning Advisory Board recommended changes and amendment to the City of Lakewood Sign Code consistent with therewith.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as Follows:

Section 1. That Chapter 18.45 of the Lakewood Municipal Code be, and the same hereby is, amended to read as follows:

## CHAPTER 18.45

### SIGNS

Sections:

18.45.010	Code Adopted
18.45.020	Purpose
18.45.030	Definitions
18.45.040	Administration and Enforcement
18.45.050	Permits Required
18.45.060	Applications for Sign Permits
18.45.070	Prohibited Signs
18.45.075	Exemptions
18.45.090	Permit Issuance
18.45.100	Plans Filed
18.45.110	Individual Signs
18.45.120	Compliance With Zoning Regulations
18.45.130	Conflicting Regulations
18.45.140	Permits Issued to Whom
18.45.150	Permit Fees
18.45.160	Right of Entry
18.45.170	Sign Record
18.45.180	Liability
18.45.190	Revocation of Permits
18.45.200	Nuisance Declared-Abatement
18.45.220	Maintenance of Signs
18.45.240	Establishment of Property Lines
18.45.260	Marquee-Canopy-Awnings-Eyebrow
18.45.270	Wall Signs
18.45.280	Street Banners-Decorations
18.45.290	Billboards: General Requirements

18.45.300	Signage Regulations, Generally
18.45.310	Sizes and Types of Signs Permitted in Various Zones
18.45.350	Planter Boxes - Bumper Guards - Shrubs - Plants
18.45.360	Entrance and Exit Signs
18.45.370	Entrance and Exit Ways - Ingress and Egress - Gateways
18.45.390	Electric Power Lines - Clearance
18.45.410	Temporary Residential Development Area Signs
18.45.415	Temporary Signs
<u>18.45.416</u>	<u>Grand Opening Signs</u>
18.45.420	Nonconforming Signs
18.45.425	Removal of Signs Adjacent to State Highways
18.45.430	Sign Removal Provisions
18.45.440	Removal of Sign - Time Period
18.45.450	Penalty for Violations
18.45.460	Severability

#### **18.45.010 Code Adopted.**

These Sign Code Regulations are adopted as the Sign Code for the City of Lakewood.

#### **18.45.020 Purpose.**

To control and manage signs in order to increase the effectiveness of individual signs. As the number, size and intensity of signs increase without regard to quality and placement, the impact of the individual sign is diminished;

To control signs to reduce dangerous conflicts between traffic control signs and advertising signs, thus destroying the effectiveness of both. The uncontrolled use of signs and their insistent and distracting demand for attention can be a threat to public safety, detract from the enjoyment of the natural beauty of the city, and be injurious to property values of both residential and commercial properties.

To promote the safety, comfort and well-being of the users of the streets in the City; reduce distractions and obstructions from signs which would adversely affect traffic safety, and alleviate hazards caused by signs encroaching upon public ways;

To enhance the city's visual character by requiring new and replacement signage which is creative and distinctive, compatible with the surroundings, appropriate to the type of activity to which it pertains, expressive of the identity of individual proprietors or of the community as a whole, and appropriately sized in its context, so as to be easily readable;

To permit and encourage the design of signs which are responsive to the needs of the public in locating a business establishment by identification, address and product and/or service information;

#### **18.45.030 Definitions.**

For the purpose of this Chapter, certain abbreviations, terms, phrases, words and their derivatives shall be construed as follows:

- A. "A-Frame, A-board and similar signs"** means small type signs, either single or double faced, portable or permanently installed, upon which is generally placed advertising copy denoting products or services being offered upon the premises on which such signs are placed. Such signs may also bear other messages or copy.
- B. "Area" or "surface area of sign"** means the greatest area of a sign, visible from any one viewpoint, enclosed within not more than three circles, rectangles or squares, or any combination of these forms which produces the smallest area, excluding the sign support structure which does not form part of the sign proper or of the display. "Surface area" includes only one face of a multiple faced sign.
- C. "Awning"** means any structure made of cloth or metal with a metal frame attached to a building, whether or not the same is so erected as to permit its being raised to a position flat against the building when not in use.
- D. "Balloon"** means a decorative inflatable device with a diameter of less than 18 inches generally composed of a thin layer of latex or mylar into which a gas, typically helium, is inserted in order to cause it to inflate, rise and/or float in the atmosphere.
- E. "Banner"** means a rectangular or square shaped sign, of cloth or other similar material, bearing a commercial message, motto, or slogan. A banner may have a message, and/or display a colorful graphic or symbol. It can vary in size,

color, and design. A banner may be hung over a street, on a fence, across or near an entrance to a place of business, on a building etc. A banner may either be temporary or permanent.

**F.** **“Blimp”** means an advertising device with a diameter or combined diameter of 18 inches or larger that is inflated by some means and is used to attract attention, advertise, promote, market or display goods and/or services. These devices include large single displays or displays of smaller balloons connected in some fashion to create a larger display.

**G.** **“Billboard”** means a preprinted or hand painted changeable advertising copy sign with a billboard face height of not less than 12 feet, and a billboard face width of not less than 24 feet 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 which supports a billboard and any billboard faces attached thereto.

**H.** **“Billboard face”** means that portion of a billboard, exclusive of its structural support, on which changeable advertising copy is displayed either by affixing preprinted poster panels or by painted copy. The approximate sizes of the billboard faces range from 12 to 14 feet in height and 24 to 48 feet in width.

**I.** **“Building facade”** means the exterior walls of a public building exposed to public view or that wall viewed by persons not within the building.

**J.** **“Building line”** means a line established by ordinance beyond which no building or structure may extend.

**K.** **“Building Official”** means the officer or other person charged with the administration and enforcement of this Code or his duly authorized deputy.

**L.** **“Business sign”** means a sign located on the premises of the business with which it is associated.

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

**N.** **“Canopy sign”** means any sign erected upon, against or directly above a canopy.

**O.** **“Change in nature”** means an expansion of the building or structure housing the business in excess of 25% of the existing value, a change in the type of business, or a change in the name and ownership of the business which would require a change in signage.

**P.** **“Clusters of flags”** means more than two groupings of more than three flags on a tax parcel or any other disbursement of flags on a single tax parcel. A national and state flag may be flown in addition to entryway flags. For example: A maximum of two groupings of no more than three (3) flags each may be permitted at one entryway into a property. Flags within the grouping shall be placed within a 20-foot radius. Flags shall be maintained in good condition. For the purposes hereof, a “Flag” means a piece of cloth or other similar material, varying in size, shape (usually rectangular), color, and design, attached to one end of a staff or cord. A flag is used as a symbol of a nation, state, city or organization.

**Q.** **“Commercial center (small)”** means a group of two or more commercial businesses on a single parcel of land with a right of way frontage of 300 feet or less along its primary frontage.

**R.** **“Commercial center (medium)”** means at least three but less than 20 businesses on contiguous land under one ownership with right of way frontage of at least 300 feet but less than 800 feet along its primary frontage.

**S.** **“Commercial center (large)”** means over 20 or more separate and distinct businesses on contiguous land under one ownership with right of way frontage of at least 800 feet along its primary frontage.

**T.** **“Construction sign”** means an informational sign which identifies the architect, engineers, contractors and other individuals of firms involved with the construction of a building, and/or announcing the name and/or character of the building or the enterprise which will occupy the building, which sign is erected during the building construction period. A construction sign may also announce the expected completion date or the date on which the business or enterprise is expected to open/commence business.

**U.** **“Display surface”** means the area made available by the sign structure for the purpose of displaying the advertising

message.

**V. “Electric sign”** means any sign containing electrical wiring, but not including signs illuminated by exterior light source.

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

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

**Y. “Marquee”** means a permanent-roofed structure attached to and supported by a building.

**Z. “May”** means permissible and shall be solely the decision of Community Development City Manager or designee.

**AA. “Monument sign”** means a ground mounted, fixed sign with a height ranging from five (5) of up to fifteen (15) feet above the average ground elevation. The base (not included in the sign surface area calculation) is attached to the ground as a wide base of solid construction.

**BB. “Multiple Occupancy Building”** means a single structure housing more than one retail business office or commercial venture.

**CC. “Multiple Building Complex”** means a group of structures housing more than one retail business, office or commercial venture, and generally under one ownership and control.

**DD. “Nonconforming”** means a sign or sign structure erected prior to this Code that does not conform to the provisions as contained in this Chapter.

**EE. “Nonstructural trim”** means the molding, battens, caps, nailing strips, latticing, cutouts, or letters and walkways which are attached to the sign structure.

**FF. “Owner-user”** means the outright owner of a sign or sign structure or lessor in case of leased signs or sign structures, or the lessee in the case of leased signs or sign structures.

**GG. “Painted signs”** means a sign or sign structure, non-electrical in nature, except such signs may have illumination from an exterior light source.

**HH. “Parapet”** means that portion of a building wall which extends above the roof of the building.

**II.. “Pennant”** means a tapered device having a distinctive triangular form. Pennants may advertise a commercial message, motto, or slogan. A pennant may have a message, or may display a colorful graphic or symbol. It can vary in size, color, and design. Pennants may either be affixed to a staff or cord, or hung over a street, on a fence, across or near an entrance to a place of business, on a building etc. A pennant may either be temporary or permanent.

**JJ. “Person”** means one or more persons of either sex, an association, co-partnership, or a corporation, whether acting by themselves or by a servant, agent, employee, guardian or trustee; the singular shall be understood to include the feminine.

**KK. “Pole sign”** means any sign, electric or otherwise, hung, supported or cantilevered from structural steel, pipe, other materials or combinations of same and mounted in concrete.

**LL. “Portable sign”** means any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support constructed without wheels is converted to an A or T Frame sign, or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign. It is characteristic of such a portable sign that the space provided for advertising matter consists of a changeable copy sign.

**MM. “Projection”** means the distance by which a sign extends beyond its means of support.

**NN. “Readerboard”** means a sign or part of a sign on which the letters are readily replaceable such that the copy can be changed from time to time at will.

**OO. “Revolving sign”** means any sign or sign structure that revolves or partially revolves by means of some mechanical method.

**PP. “Roof sign”** means a sign or sign structure erected upon, against or directly above a roof or above the parapet of a building, including a sign affixed to any structure erected upon a roof, including a structure housing building equipment.

**QQ. “Sign”** means any device, structure, fixture, or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols, or written copy for the purpose of advertising or identifying any establishment, product, goods or service.

**1. “Double face”** means a sign carrying advertising on both faces.

**2. “Freestanding sign”** means a sign which is supported on a structure used exclusively for the support of the sign or for a group of signs.

**3. “Horizontal sign”** means a projecting sign having a greater horizontal than vertical dimension.

**4. “Marquee sign”** means any sign affixed to any marquee.

**5. “Off-premise sign”** means a sign which advertises a business or service which is not located on the site where the sign is displayed.

**6. “Single face”** means a sign carrying advertising on one surface only.

**7. “Subdivision sign”** means signs used to identify a land development which is to be or was accomplished at essentially one time.

**8. “Temporary sign”** means and includes any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials with or without frames intended to be displayed for a limited time only. Construction signs, grand opening displays, real estate signs, open house signs, and residential land development are included in this category.

**9. “Vertical sign”** means a projecting sign having a greater vertical than horizontal dimension.

**10. “Wall sign”** means any sign painted on or attached directly to or erected against and supported by a building wall, facade or fence, with the exposed face of the sign in a plane parallel to the portion of the structure to which it is attached; including window signs which are permanently attached.

**11. “Window sign”** means all signs located inside and affixed to or within three feet of window of a building, whether temporary or permanent, lighted or unlighted, which may be viewed from the exterior of the building. The term does not include merchandise located within three feet of a window.

**RR. “Sign structure”** means the supports, uprights, braces and framework of the sign.

**SS. “Special displays”** means and includes displays of merchandise, animals, balloons, cars, airplanes, and/or other objects used to attract attention for purposes of advertising. Special displays shall not be included as "signs" as that term is used in this Code.

**TT. “Structure”** means that which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.

**UU. “Uniform Building Code”** means the current version of the Uniform Building Code, published by the International Conference of Building Officials.

#### **18.45.040 Administration and Enforcement.**

The administration and enforcement authority shall be the City Manager or designee.

#### **18.45.050 Permits Required.**

No sign shall hereafter be erected, re-erected, constructed, or altered, except as provided by this Code, and provided that a sign permit for the same has been issued by the City Manager or designee. For the purposes hereof, "alteration" shall not include maintenance as defined that term is used in Section 18.45.300 of this code. Also, any sign for which a building permit is required under the UBC must obtain a building permit. A sign permit shall be required for each sign installed at one time on contiguous property.

#### **18.45.060 Applications for Sign Permits.**

Any person entitled to apply for and receive a sign permit shall make application on forms provided for that purpose at the office of the City Manager or designee.

Such application shall contain the following information:

1. Name and address of applicant;
2. Name and address of location of sign erection;
3. Provide a reasonable sketch on eight and one-half by eleven inch paper of the proposed sign erection giving all sizes and measurements including footing details, height and proposed location of the sign on the property;
4. The City Manager or designee may require the filing of plans or other pertinent information where in his opinion such information is necessary to insure proper compliance with this Code, as is provided in Section 18.35.200;
5. The type of sign and number of faces;
6. An affidavit that the written consent of the owner or person in legal possession of the property to which or upon which the sign is to be erected has been obtained.

#### **18.45.070 Prohibited signs.**

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

**A.** Portable signs including, but not limited to, sandwich/A-frame signs and mobile readerboard signs, and excluding signs permitted under Section 18.45.075 as temporary signs. Provided that A-Frame signs may be permitted as a special temporary sign subject to the following limitations and restrictions:

- 1. The A-Frame sign must be located on private property at the location identified on the special A-Frame sign permit, provided that in no event shall the sign be located within ten (10) feet of the public right-of-way;

- 2. The Permit shall be for a one (1) year period only, and any new or renewal permits must be applied for each year for which the special A-Frame sign permit is sought;

- 3. The A-Frame sign shall conform to the size and description parameters as follows:

(a) The size of the A-Frame sign shall not exceed 2 feet in width by 3 feet in height, total outside dimensions;

(b) The A-Frame sign shall consist of painted sign surfaces, with no raised or relief surfaces, lettering, designs or images; and,

(c) The A-Frame sign shall not have any lighting or illumination, nor shall the A-Frame sign have any reflective lettering, designs, images or background surfaces.

- 4. The business applying for a special A-Frame sign permit shall be in full compliance with all of the requirements of the City's sign code and zoning code, and continued compliance shall be a condition of the permit;

- 5. A business that has any other type of free standing signs, roof signs, or billboard signs on the same property as the business, whether specific to that business or as a part of a business complex or group of businesses at the same location, shall not be eligible to apply for or be granted a special A-Frame sign permit;

- 6. Only retail businesses as identified in the Standard Industrial Code (SIC) for the business shall eligible to apply for or be granted a special A-Frame sign permit;

- 7. Any A-frame sign for which a special A-Frame sign permit has been granted shall be posted with a current permit tag issued

by the City, which permit tag shall be conspicuously visible on the face of the A-Frame sign;and.

8. Any A-Frame sign not conforming to the requirements of this section shall be subject to immediate removal and forfeiture.

**B.** Private signs on utility poles;

**C.** Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with traffic control signs or signals, including, but not limited to signs containing words such as "stop", "look", and "danger".

**D.** Signs located in the public right-of-way or on City-owned or leased property, except where permitted in this chapter; and

**E.** Poster, pennants, banners or streamers, string of lights, blinking lights or flashing 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 Section 18.45.075 and Section 18.45.416 of this code as grand opening displays, or the following other exceptions:

1. National, state, and institutional City flags when properly displayed and not used to attract attention;

2. Signs, banners, pennants, string of lights not exceeding a total distance of the lesser of the street frontage of the business property or one hundred feet, and clusters of flags approved as temporary signs; and

3. Balloons as approved as temporary signs.

**F.** Changing message center signs, where the message changes more frequently than every twenty (20) five (5) seconds, except for display of time and temperature.

**G.** 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 regulations as specified in the Uniform Building Code.

**H.** Signs erected at intersections of any streets in such a manner as to materially obstruct free and clear vision.

**I.** No three-dimensional statue, caricature or representation of persons, animals or merchandise shall be used as a sign or incorporated into a sign structure. Provided that three-dimensional statue, caricature or representation of persons, animals or merchandise may be permitted if approved as temporary signs under Section 18.45.415. Barber shop poles are excluded from this provision.

**J.** Any sign attached to or placed upon a vehicle or trailer parked on public or private property. The prohibition of this paragraph does not prohibit the identification of a firm or principal products on a vehicle operating during the normal course of business.

**K.** No public address system or sound devices shall be used in conjunction with any sign or advertising device.

**L.** Obscenity. 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 which is utterly without redeeming social value.

**M.** Fire Safety 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.

**N.** Abandoned signs

**O.** Signs painted on or attached to bus benches.

**P.** No sign shall be used as a fence nor shall any fence be used as a sign nor shall any sign be attached to a fence.

**Q.** Off premise signs.

- R. Billboard signs.
- S. Roof signs.
- T. Window signs in excess of 25 % 30% of the area of the window being so used.

**18.45.075 Exemptions.**

- A. Exemption from the sign permit request 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.
  - B. A sign permit will not be required for the following signs:
    - 1. Professional nameplates not exceeding two (2) square feet in area;
    - 2. Signs denoting the architect, engineer or contractor, when placed upon the premises while construction work is in progress. Said signs not to exceed sixteen (16) thirty-two (32) square feet in area; and must be placed at least ten (10) five (5) feet back from the property line.
    - 3. 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 the building, which are non-illuminated, and which do not exceed four (4) square feet in surface area;
    - 4. Signs of the state, city or public service companies indicating danger, aids to service or safety, traffic control or traffic direction signs or Adopt-A-Road Litter Control Program signs, or "no soliciting," "no trespassing" or "tow-away zone" signs;
    - 5. Painting, repainting or cleaning of any sign, unless a structural change is made, while sign is still in position;
    - 6. a. Signs located on private property 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 not be displayed more than sixty days prior to or ten days after the date of the election for which intended. In cases where a general election follows within fifty-five days of a primary election, those signs for candidates whose names will appear on the ballot in the general election may be displayed during the interim period and up to ten days after the general election. If political signs are not removed within the specified times, they will be subject to removal by the City in addition to any other remedies provided in this Chapter.
    - b. No political sign shall be erected upon any private property without permission of the resident or owner thereof.
    - c. Political signs shall not exceed sixteen (16) square feet in area, and shall not obstruct safe visibility of any mobile or pedestrian traffic.
- Historic site markers or plaques, gravestones, and address numbers;
- 8. Signs required by law, or intended to notify the public of public meetings or hearings, including but not limited to:
    - a. Official or legal notices issued and posted by any public agency or court;
    - b. Temporary sandwich/A-Frame signs or bulletin board signs; or
    - c. Traffic directional or warning signs.
  - 9. Incidental signs, which shall not exceed two (2) square feet in surface area, provided that said size limitation shall not apply to signs providing directions, warnings or information when established and maintained by a public agency. Incidental signs are signs, emblems and decals designed to inform the public of goods, facilities, or services available on the premises, and may include but are not limited to signs designating restrooms, hours of operation, acceptable credit cards, property ownership or management, phone booths and recycling containers.
  - 10. State or Federal flags;



**11.** Religious symbols; and

**12.** The flag of a commercial institution, provided no more than one flag is permitted per business premises, and further provided the flag does not exceed 20 square feet in surface area nor extend more than eight (8) feet above a building.

**13.** Signs on structures or improvements intended for a separate use, such as phone booths, charitable donation containers, and recycling boxes.

**14.** Building addresses with numbers and letters not more than 10 inches in height.

**15.** Signs not oriented or intended to be legible from a right-of-way, other property, or from the air;

**16.** Signs inside of a building except window signs and except for strobe lights or flashing neon lights visible from a right-of-way, other property or from the air;

**17.** Painted wall decorations;

**18.** Painted wall highlights;

**19.** Signs affected by stipulated judgments to which the City is a party, entered by courts of competent jurisdiction;

**20.** Interior window signs that do not exceed 20% 30% of the window area being so utilized;

**21.** Strings of incandescent lights in non-residential zones where the lights do not exceed 5 watts per bulb, the bulbs are placed no closer than 6" (six inches) apart and do not flash or blink in any way. Strings of lights in residential zones are not regulated.

**22.** Temporary signs painted or placed upon a window in a non-residential zone, when such signs do not obscure more than twenty thirty percent of such window area, and are maintained for a period not exceeding seven days. Signs which remain longer than seven days will be considered permanent and must comply with the provisions of this code for permanent signs.

**23(a).** Temporary, non-illuminated real estate signs (not more than one per tax lot), located on the property which is for sale or lease, or construction signs not exceeding six square feet in residential areas or twelve square feet in commercial and industrial areas, provided said signs are removed fifteen days from the sale, lease or rental of the property or within seven days of completion of the project.

(b). "Open House" signs for the sale of residential property (not more than one [1] per open house) located on the property which is for sale, and during the time of the open house only. Additionally, not more than three (3) directional signs leading to the open house during the time of the open house only, with each of the directional signs being not more than one thousand feet from the premises of the open house, which directional signs may not be located on public right-of-ways and may not interfere with pedestrian or vehicular traffic. Open house signage shall not be permitted at any one location on more than four (4) ten (10) days in any one year.

**24.** Temporary non-illuminated signs not exceeding 16 square feet for charitable fundraising events placed by non-profit and charitable organizations. Such signs shall not be placed more than seven days prior to the event and must be removed within two days following the event.

**25.** Signs on private property when such signs are solely designated to direct pedestrians or vehicular traffic while on the parcel of real estate on which the signs are located.

**26.** Signs on private property which are required by any law or ordinance

**27.** Non-illuminated signs not exceeding 4 square feet placed on lawns or buildings or in windows and containing a noncommercial political, religious or personal message.

#### **18.45.090 Permit Issuance.**

It shall be the duty of the City Manager or his duly authorized representative, upon the filing of an application for a sign permit, to investigate the same, and if it shall appear to be in compliance with all the requirements of this Code, he shall then issue the permit. The City Manager or designee shall not issue a permanent or temporary sign permit if it is determined that any temporary sign on the premise does not comply with the provisions of this code.

**18.45.100 Plans Filed.**

The City Manager or designee may require the filing of plans or other pertinent information where in his opinion such information is necessary to insure compliance with this Code.

**18.45.110 Individual Signs.**

Each individual sign shall require a separate permit.

**18.45.120 Compliance With Zoning Regulations.**

Only signs of the type or types as designated by the City Zoning Regulations shall be permitted in the respective zoned areas.

**18.45.130 Conflicting Regulations.**

If any portion of this Code shall conflict with any other regulation the most restrictive shall apply.

**18.45.140 Permits Issued to Whom.**

Sign permits shall be issued only to the firm, company, corporation or person making the installation and shall not be transferable.

**18.45.150 Permit Fees.**

Permit fees shall be as set forth in the City's Fee Resolution.

**18.45.160 Right of Entry.**

Upon proper presentation of credentials, the City Manager or designee or his duly authorized representative may enter at reasonable times any building, structure or premises within the City to perform any duty imposed upon him by this Code.

**18.45.170 Sign Record**

The City Manager or designee shall maintain a list of all currently permitted signs, including the status of such signs and shall make the list available for public inspection.

**18.45.180 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 for personal injury or property damage resulting from the willful acts or negligence of such person, its agents, employees or workman, 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 or ordinance.

**18.45.190 Revocation of Permits.**

The City Manager or designee is authorized and empowered to revoke any sign permit issued by him/her upon failure of the holder thereof to comply with any provision or provisions of the Code.

**18.45.200 Nuisance Declared - Abatement.**

Signs constructed, altered or maintained in violation of the provisions of this Code are declared to be public nuisances. When judgment is rendered against any person, firm or corporation finding them guilty of violating any provisions of this Code, the court may, in addition to or in lieu of imposing other penalties, order the defendant or defendants in such action to forthwith abate and remove such nuisance, and if the same is not done by such offender within forty-eight (48) hours, the same shall be abated and removed by any officer authorized by order of the court. In the event the owner of such sign cannot be found or refuses to comply, the City Manager or designee or Office authorized by the Court shall have the non-conforming sign removed. The cost of removing the sign plus administrative costs will be charged to the property owner.

**18.45.220 Maintenance of Signs**

Signs which are allowed to fall into a state of disrepair to the extent the sign is unsightly, broken, or hazardous may be declared a nuisance by the City Manager or designee and shall be abated in accordance with Section 18.45.200.

**18.45.240 Establishment of Property Lines.**

**A.** It shall be the responsibility of the property owner or his authorized representative to establish and clearly mark out any property line from which a sign setback measurement shall be taken.

**B.** In the event of a dispute or discrepancy in the establishment of the property lines involved, the City Manager or

designee may order an independent survey where, in his opinion, such information is necessary to insure compliance with this Code.

**18.45.260 Marquee - Canopy - Awnings - Eyebrow.**

- A.** No sign shall be designed as a marquee, canopy, awning or eyebrow, either in part or whole, that will change the required setback or setbacks for the building to which it may be attached.
- B.** Signs may be placed on the outer face of a marquee provided they shall not exceed eighteen inches in thickness and such marquees are constructed as specified by the Uniform Building Code.

**18.45.270 Wall Signs.**

Wall signs shall not exceed eighteen (18) inches in thickness.

**18.45.280 Street Banners - Decorations.**

Street banners, decorations and/or other similar items shall not be permitted, except by special permit issued by the City Manager or designee, and shall comply with the regulations governing such items.

**18.45.290 Billboards: General Requirements.**

- A.** The total number of billboard faces within the City of Lakewood shall not exceed the total number of billboard faces existing on the date of incorporation.
- B.** The demolition or removal of any billboard reduces the number of allowable billboard faces by the number removed.
- C.** In the event that the City of Lakewood annexes areas containing billboards after the date of incorporation, the total number of allowable billboard faces shall be increased by the number of faces existing in such areas on the effective date of annexation.
- D.** Any billboard sign in existence on the date of incorporation, or on the effective date of annexation, shall be considered non-conforming.
- E.** Except as provided in Sections F and G, following, billboards shall not be altered with regard to size, shape, orientation, height, or location.
- F.** Removal or demolition of a billboard shall require the issuance of a demolition permit for the removal of the existing billboard. Billboard removal or demolition shall be completed within 90 days of permit issuance.
- G.** Ordinary and necessary repairs which do not change the size, shape, orientation, height, or location of billboards shall not require a permit. Billboard copy replacement may occur at any time and is also exempt from the requirement for a permit.
- H.** Billboards which have any moving parts shall not be modified or maintained.
- I.** Billboards shall not be modified or maintained which have any projections that extend more than three feet out from the surface of the billboard face.
- J.** Billboards shall not be modified or maintained which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights. Billboards shall not include lighting unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the highway or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle. Signs found to be too bright, in the opinion of the City Manager or designee, shall be adjusted in accordance with the instructions of the City Manager or designee.

**18.45.300 Signage Regulations, Generally.**

- A. 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 of any mobile or pedestrian traffic, or be hazardous to a motorist's ingress and egress from parking areas of any way open to the public. No sign shall be located so as to physically obstruct any door, window or exit from a building.
- B. Maintenance.** All signs, including signs heretofore installed, shall be constantly maintained in a state of security,

safety and repair. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous, it shall be the duty of the owner and/or occupant of the premises on which the sign is fastened to repair or remove the sign within five (5) days after receiving notice from the City Manager or designee.. The premises surrounding a freestanding sign shall be free and clear of rubbish and the landscaping area free of weeds. (For maintenance of non-conforming signs, see Section 18.45.165).

**C. Illumination.** Illumination from or upon any sign shall be shaded, shielded, directed or reduced so as to avoid undue brightness, glare or reflection of light on private or public property in the surrounding area, and so as to avoid unreasonably distracting pedestrians and motorists. Undue brightness is illumination in excess of that which is reasonable necessary to make the sign reasonably visible to the average person on an adjacent street.

**D. Placement**

1. No person may erect a sign which is affixed to a fence, utility pole, or structure, or tree, shrub, rock or other natural object.
2. Signs shall not be mounted on roofs or extend above the roof line (unless mounted on a parapet wall which extends above the roof sign, in which case the sign may not extend above the top of such parapet).
3. No projecting sign shall extend into a vehicular public way, or be less than ten (10) feet above a pedestrian way.
4. No sign together with any supporting framework shall extend to a height above the maximum building height allowed in a district.
5. Signs shall not cover architectural details such as, but not limited to, arches, sills, moldings, cornices, and transom windows.
6. Signs shall not obstruct traffic signals. The issuance of a sign permit as regulated by this Code shall not relieve the permit holder from fully complying with the State of Washington law or any other law governing the obstruction of any authorized traffic sign, signal or device.
7. Signs shall not obstruct vision clearance. No signs in excess of two and one-half feet in height shall be placed in the vision clearance area. The vision clearance area is the triangle formed by a line connecting points twenty-five feet from the intersection of property lines.
8. Signs shall not be placed within the public right-of-way. No person, organization, or agency shall place any signs, indicators, advertisements, stakes, posts or any other foreign object or objects upon a public street or right-of-way of any public street in the City of Lakewood without the express permission, in writing, of the City Manager or designee, and any such foreign objects now upon the highways or public highway rights-of-way as designated in this Section are declared illegal, except for those now in place with written permission of the City Manager or designee; and provided, that this Section shall not apply to mailboxes and attached newspaper boxes, placed on the City right-of-way, where these are placed as far removed from the driving portion of the right-of-way as possible, except that the placement shall be subject to approval of the City Manager or designee. In the event the owner of such sign cannot be found or refuses to comply, the City Manager or designee shall have the non-conforming sign removed. The cost of removing the sign plus administrative costs will be charged to the property owner.
9. Signs which the City Manager or designee finds are so located as to present a hazard to the public may be immediately removed without prior notice. Any signs located in any traffic island, whether commercial, directional, political or otherwise, shall be considered to present a hazard to the public, including an interference with traffic visibility, or a danger to pedestrians or landscaping and irrigation systems, and an attractive nuisance, and shall be subject to immediate removal. For the purposes hereof, "traffic island" means any portion of the public right-of-way that is located within or surrounded by the paved portion of the right-of-way but which is not used for vehicular travel.

**E. Setback Lines.**

Setbacks for signs. The setback point, if any, shall be that portion of any sign or sign structure that is closest to the property line.

**F. Identification.**

Any sign constructed or affixed to a building or other structure after the effective date of this Ordinance must contain within its contents an identification in English of the business to aid public safety and emergency responses in locating the advertised business.

**18.45.310****Sizes and Types of Signs Permitted in Various Zones.**

- A.** Chart - Purpose. A description designating the various zones and sizes and types of signs permitted in each zone appears in Subsection D of this Section.
- B.** Application for Variances. Applications for variance of setback, height and size requirements shall be made with the City Manager or designee.
- C.** Temporary signs in all zones. One temporary sign shall be allowed per contiguous lot or business entity subject to the provisions of Section 18.45.415
- D.** Where Permitted.

**GROUP I: MSF, HRD, NC, EC**

1. Nameplates, not more than one per building, not greater than two square feet in gross area, not over four feet in height if detached from the building, and non-flashing.
2. Identification signs (one (1) per building) and real estate signs, not greater than twenty (20) square feet in area, not greater than five (5) feet in height, and non-flashing.
3. Construction signs, not greater than sixteen (16) square feet in area, not greater than five (5) feet in height, and non-flashing.

**GROUP II: MUC, CC.**

1. Nameplates, identification, real estate and construction signs, as permitted in Group I above.
2. Wall signs are permitted, provided they do not total an area more than 15 percent of the building facade on which they are located;
3. Freestanding signs:  
One freestanding sign not exceeding 32 square feet per sign face, except that the sign area for a medium commercial center may not exceed 36 square feet per sign face and the sign area for a large commercial center may not exceed 60 square feet per sign face, is permitted, provided that the corner lots with a street frontage of more than 100 feet in each of two streets shall be permitted two freestanding signs, one on each frontage and provided further that large commercial centers will be allowed up to two freestanding signs on a frontage. If a business has two frontages, it may have one sign with one and one-half (1-1/2) times the square footage instead of two signs with the acceptable square footage;
  - a) Those properties which contain existing signage as of the effective date of this ordinance, and are permitted two freestanding signs on a frontage, may combine the total sign area of the two freestanding signs onto a single sign to determine compliance.
  - b) The maximum height for freestanding signs shall be 12 feet, except that freestanding sign(s) for a small commercial center have a maximum height of 15 feet and for a medium and large commercial center a maximum height of 20 feet is allowed. Provided however, that single businesses whose property is within 150 feet of freeway right of way will be allowed to have signs utilizing the medium commercial center standards.

**GROUP III. MUD**

1. Wall signs are permitted, provided they do not total an area more than 15 percent of the building facade on which they are located;

## Freestanding signs:

- a). One freestanding sign not exceeding 32 square feet per sign face, except that the sign area for a medium commercial center may not exceed 36 square feet per sign face and the sign area for a large commercial center may not exceed 60 square feet per sign face, is permitted, provided that the corner lots with a street frontage of more than 100 feet in each of two streets shall be permitted two freestanding signs, one on each frontage and provided further that large commercial centers will be allowed up to two freestanding signs on a frontage. If a business has two frontages, it may have one sign with one and one-half (1-1/2)

times the square footage instead of two signs with the acceptable square footage;;

**b).** Those properties which contain existing signage as of the effective date of this ordinance, and are permitted two freestanding signs on a frontage, may combine the total sign area of the two freestanding signs onto a single sign to determine compliance.

**c).** The maximum height for freestanding signs shall be 12 feet, except that freestanding sign(s) for a small commercial center have a maximum height of 15 feet and for a medium and large commercial center a maximum height of 20 feet is allowed. Provided however, that single businesses whose property is within 150 feet of freeway right of way will be allowed to have signs utilizing the medium commercial center standards.

**18.45.350 Planter Boxes - Bumper Guards - Shrubs - Plants.**

**A.** No planter box or bumper guard designed to protect or beautify a sign structure shall extend beyond the property line.

**B.** Planter boxes, planter boxes containing shrubs, bumper guards, plants or shrubs shall be limited to and maintained at not more than thirty-six inches above the closest ground level. See also Section 18.45.320 covering visibility.

**18.45.360 Entrance and Exit Signs.**

**A.** Entrance and exit signs and/or other similarly worded signs when used for the purpose of controlling mobile traffic shall be limited to the following:

**1.** Number: Only one sign for each entrance or exit.

**2.** Horizontal: Not to exceed thirty-six inches in height above ground level. The maximum size shall be six square feet.

**3.** Vertical: Not to exceed sixteen inches in width. The maximum size shall be six square feet.

**B.** See also Section 18.45.320 covering visibility.

**18.45.370 Entrance and Exit Ways - Ingress and Egress - Gateways.**

The use of concrete, wood, stone, brick, steel, masonry and/or other similar materials in constructing entrance and exit ways and/or gateways shall be subject to:

**A.** Location to be approved by the City Manager or designee.

**B.** Height shall be limited to three (3) feet above natural grade, except when such structures are twenty-five feet from a secondary highway or thirty-five feet from a primary highway.

**C.** The incorporation of signs, plaques, emblems and/or other similar items in or on such structures shall be by special permission of the City Manager or designee.

**18.45.390 Electric Power Lines - Clearance.**

Horizontal and vertical clearance of signs or sign structures from energized power lines shall not be less than twelve feet.

**18.45.410 Temporary Residential Development Area Signs.**

Temporary signs or sign structures designating residential development areas may be permitted upon receiving special permission from the Community Development Department. Such signs or sign structures shall be limited to a two-year period.

**18.45.415 Temporary Signs**

**A.** Authorization:

The City Manager or designee shall be empowered to authorize temporary signs not exempted by Section 18.45.070.A and E. The City Manager or designee shall attach such conditions to the issuance of a permit for a temporary sign as may be necessary to ensure discontinuance of the use of the sign in accordance with the terms of the authorization, and to ensure substantial compliance with the purpose of this title.

**B.** Issuance Authority:

**1.** The City Manager or designee may issue temporary sign permits which shall terminate within 30 days from the date of issuance; and not exceed three periods of up to fifteen calendar days per period per year; provided that none of the "periods of up to fifteen calendar days" shall be consecutive.

2. No permit shall be issued for a period longer than 30 days and only one temporary permit will be allowed in each calendar year.

C. Types of locations of temporary signs shall be as follows:

1. The total number of temporary signs shall not exceed one three for any use at any one permitted period of time; such signs are not permitted for single family and duplex dwellings.

2. The total area of temporary sign shall not exceed 24 square feet and no more than 12 square feet per face; such signs are not permitted for single family and duplex dwellings. The permitted area for a banner shall be no more than 24 square feet per face with the total sign area not to exceed 48 square feet.

D. Location shall not be less than 5 feet from a street property line, not within any pedestrian, bicycle, or vehicular way and shall meet all other placement requirements of **Section 18.45.300 D**.

E. Attachment:

Temporary signs may not be permanently attached to the ground, building, or other structures.

F. Deposit:

A deposit, along with an affidavit stating that the applicant for a temporary sign will comply with all provisions of this section, shall be submitted prior to the issuance of a temporary sign permit. The affidavit shall state that all temporary signs must be removed within three (3) working days after the expiration of the permit. The deposit shall be four (4) times the permit fee. If the applicant fails to remove signs in the time required and the City must enforce pursuant to Section 18.45.100 and 18.45.150, the deposit shall be forfeited and the applicant will not be eligible for another temporary sign permit for a period of 12 months.

G. Removal:

Each sign permit shall specify a removal date for streamers, banners, pennants, A-boards Frame signs, and other temporary signs. The applicant, the owner of the premises, and the owner of the devices shall be jointly and severally responsible for the prompt removal of such temporary signs at the termination of the specified time period.

#### **18.45.416 Grand Opening Signs.**

Upon the occasion of a new business locating at a particular premises, that new business may be authorized to apply for a special "Grand Opening" temporary sign permit to advertise the new business for a period not to exceed ten twenty days after within forty-five (45) days of the date the new business commences operations at the new location, provided that the new business may not start the Grand Opening advertising until the day before the new business commences business operations at the new location. The limitation on advanced advertising does not, however, prohibit the "construction signs" permitted under this Chapter. For the purposes hereof, an existing business re-locating to a new premises shall be considered eligible for a special "Grand Opening" temporary sign permit if the business relocated to a new premises that is not less than one thousand feet from any part of the prior business location or if the business is relocating to a new location that is at least one and one-half (1-1/2) times the size of the prior location as measured by gross floor area. Persons or businesses issued a special "Grand Opening" temporary sign permit shall be authorized to use blimps, search lights and streamers, as well as other signs and displays permitted as temporary signs, subject to the limitations and conditions identified by the Community Development Director in the issuance of the special "Grand Opening" temporary sign permit. It is provided, however, that the operator of a new business or a business that has moved to a new location may consecutively follow the permitted special "Grand Opening" temporary sign activity with a permitted use of temporary signs for an additional period of up to fifteen days, pursuant to Section 18.45.415 (B) of this Code.

#### **18.45.420 Nonconforming Signs.**

A. Any sign which is structurally altered, relocated or replaced shall immediately be brought into compliance with all of the provisions of this chapter, except the repairing and restoration of a sign to a safe condition. Such repairs and restoration may take place either on site or away from the site. Normal maintenance shall be permitted on any part of a sign or sign structure without loss of non-conforming status. Non-conforming signs which are damaged may be repaired depending on the extent of the damage (see section 18.45.420 B).

B. A nonconforming sign or sign structure damaged by "Acts of God" (such as earthquakes, floods and wind), vandalism, fire or other casualty may be repaired and restored as a non-conforming sign or sign structure if the cost of the repair and restoration is less than 50% of the cost of replacing the sign with a conforming sign. However, the signs must be repaired or restored to their original design or to a more conforming design.

**C.** A non-conforming sign which is in such a state of disrepair that the cost of repair and restoration of the sign is more than 50% of the value of the sign shall be removed rather than repaired

**D.** For purposes of this title, a sign face or message change shall be subject to the following provisions:

**1.** A sign face or message change on a nonconforming sign is not allowed as an alteration when the affected property and sign structure have not been used for an ongoing business for greater than 90 days;

**2.** A sign face or message change shall be allowed as an alteration only for existing conforming signs.

**3.** No sign permit shall be required for allowable sign face or message changes.

**4.** Signs in existence on the effective date of this chapter which do not comply with provisions regulating prohibited signs (Section 18.45.070) or temporary signs (18.45.415) shall be made to conform within ninety (90) days from written notice by mail given by the City Manager or designee.

**E.** Roof signs on the effective date of this ordinance which do not extend vertically above the highest point of the roof line shall be considered to be in conformance with this ordinance; provided, however, that any roof sign in existence upon the effective date of this ordinance which does extend above the highest point of the roof line shall be considered nonconforming and shall be allowed to amortize according to the schedule listed in Section 18.45.420 F.

**F.** Except as provided in this chapter, signs for which a permit is issued by Pierce County prior to February 28, 1996 which do not conform to the provisions of this Chapter, but which were constructed, erected or maintained in compliance with all previous Pierce County regulations, shall be regarded as nonconforming. To provide a reasonable opportunity for the owner to benefit from the investment made in the sign (each non-conforming sign and sign structure shall be allowed to be displayed for a period of 10 years from the date of its installation or from the date in which repair or maintenance was most recently performed under permit from Pierce County if such repair exceeded 50% of the then current value of the sign being repaired or maintained). After this time has expired, non-conforming signs and sign structures shall be removed or otherwise brought into compliance with this Code. The table below establishes a fair and equitable time schedule for such compliance.

It is provided, however, that the amortization table below shall not be in effect for one year from the effective date of this Ordinance for freestanding or roof signs which were properly permitted by Pierce County prior to February 28, 1996, and which are in non-compliance with this Chapter. During the period prior to the amortization table taking effect for freestanding or roof signs which are in non-compliance with this Chapter, the City shall have prepared a sign inventory to be presented to the Council. The Council will review the sign inventory and make any amendments to this Ordinance the Council may deem appropriate

Date of Permitting Date of Required Removal

1/01/93 - 2/27/96 12/31/05

1/01/90 - 12/31/92 12/31/02

prior to 12/31/89 12/31/00

Any signs not removed within the time limit herein stated shall be deemed a public nuisance, subject to the removal provisions of this chapter, and shall be removed by the City if the sign owner or property owner fails to do so after being so ordered by the City Manager or designee. Costs of said removal shall be borne by the sign and/or property owner and may be recovered by the City, if necessary, by placing a lien on the property from which the sign has been removed.

**G.** Any non-conforming sign used by a business, shopping center, or business complex must be brought into conformance prior to any expansion or change in use which requires a Site Review, Conditional Use Permit, or a change in nature as defined by this Ordinance. All nonconforming signs must be brought into conformance with the same provisions as are required for new signs. No building permits for new construction may be issued until compliance with this provision is assured.

**H.** A non-conforming sign or sign structure shall be removed within thirty (30) days if the building containing the use to which the sign is accessory is demolished or destroyed to an extent exceeding fifty percent (50%) of the building's appraised value.

**I.** Variances can be granted using the variance procedure of this ordinance to alleviate unusual hardships or extraordinary circumstances which exist in bringing nonconforming signs into conformity. The variance granted shall be the



minimum required to alleviate the hardship or extraordinary circumstance.

**J.** Freestanding signs permitted prior to 2/28/96 will not be considered non-conforming if they are within 25% of the height and area requirements prescribed for freestanding signs except that freestanding signs of 35 feet or less in height located on business property located within 150 feet of the right of way of a freeway shall not be considered non-conforming by reason of right.

#### **18.45.425 Removal of Signs Adjacent to State Highways**

In accordance with RCW 47.42.107, just compensation shall be paid for removal of any existing non-conforming sign which is governed by the Highway Advertising Control Act. At such time as the sign would have to be removed under Section 18.45.420.D, the City Council shall have the discretion to decide whether or not the sign shall be removed at that time, or whether an extension of time should be granted. In deciding whether or not to grant an extension of time, the amount of just compensation, which will include consideration of sign depreciation; the amortization period; the condition; age; size; and location of the sign; and other factors may be considered. If the Council does grant an extension of time, it shall be for a finite period of time, at which point the Council will reconsider the issue. There shall be no limit on the number of times the Council may extend the time period.

#### **18.45.430 Sign Removal Provisions: Nonconforming and Abandoned Signs Installed in Violation of Code**

**A.** All signs erected after the effective date of this ordinance, which are in violation of any provisions of this ordinance, shall be removed or brought into conformance with the requirements of the City Code upon written notice by the City Manager or designee within the following time periods: (1) temporary non-structural signs shall be brought within conformance within 24 hours of notice by the City Manager or designee, provided that after one such notice or warning an infraction citation may thereafter be issued immediately without any further advance notice requirements or periods of opportunity for correction; and (2) permanent signs shall be brought into conformance within thirty (30) days, provided that the City Manager or designee has the discretion to grant a longer period of time for conformance where special circumstances exist which would warrant a longer period of time. For the purposes hereof, the written notice by the City Manager or designee shall include but not be limited to written warnings, correspondence, or any other form of writing indicating the general nature of the sign code non-conformity and/or violation of the sign code, provided that after one such notice or warning an infraction citation may thereafter be issued immediately without any further advance notice requirements or periods of opportunity for correction.

**B.** If the owner of sign, building, structure or premises fails to comply with the written order, the City Manager or designee may then cite the owner into court subject to the City's Enforcement Ordinance.

**C.** All signs and sign structures nonconforming in the structural requirements as specified in the UBC which as a consequence are a hazard to life and property, or which by its condition or location present an immediate and serious danger to the public, shall be discontinued or made to conform within the time the City Manager or designee may specify. In the event the owner of such sign cannot be found or refuses to comply with the order to remove, the City Manager or designee shall then have the dangerous sign removed and the owner cited. The cost of removing the sign plus administrative costs will be charged to the property owner.

**D.** Any person who owns or leases a non-conforming or abandoned sign or sign structure shall remove such sign or sign structure when the sign has been abandoned:

1. If the person who owns or leases such sign fails to remove it as provided in this Section, the City Manager or designee shall give the owner of the building, structure or premises upon which such sign is located, 60 days written notice to remove it;

2. If the sign has not been removed at the expiration of the 60 days' notice, the City Manager or designee may remove such sign at cost to the owner of the building, structure or premises; and

Costs incurred by the City due to removal, may be made a lien against the land or premises on which such sign is located, after notice and hearing, and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the City.

#### **18.45.440 Removal of Sign - Vacancy - Time Period.**

**A.** Upon the vacation of occupancy of a premise where a nonconforming sign is or has been maintained, the owner shall have the nonconforming sign removed not later than thirty (30) days after such vacation. If the owner fails to comply with the provisions of this Section, the City Manager or designee shall issue a notice to the owner to remove the sign within ten days or be cited for the violation of this Code.

**B.** Every person maintaining a sign Upon the vacation of occupancy of a premises where a sign is maintained which is

in full conformance with the provisions of this Code, including maintenance provisions, and shall, upon vacating the premises where a sign is maintained, for a period of sixty (60) days, remove it or cause it to be removed within a thirty day period if the sign structure is of a type that could reasonably be used by subsequent occupants of the vacated premises. the sign structure may remain so long as the sign copy or message is removed, provided that if the next occupant of the premises does not use the sign by inserting the new occupant's copy or message in the sign structure, the sign structure shall be removed within thirty (30) days after the occupancy of the new occupant commences. Upon failure to comply with the provisions of this Section, the Community Development City Manager or designee shall issue a notice to the owner to remove the sign within a ten-day period or be in violation of this Code.

**18.45.450 Penalty for Violations.**

**A.** It shall be unlawful for any person, firm or corporation to erect, construct, 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 Code

**B.** Any person, firm or corporation violating any of the provisions of this Code shall be subject to a Class 1 civil infraction citation as defined in the City's Enforcement Ordinance.

**18.45.460 Severability.**

If any provision of this Chapter or its application to any person or circumstance is found to be invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected.

Section 2. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 3. Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 3rd day of February, 1997.

CITY OF LAKEWOOD

/S/

Bill Harrison, Mayor

Attest:

/S/

Alice M. Bush, CMC, City Clerk

Approved as to Form:

/S/

Daniel B. Heid, City Attorney

.....