

Ordinance No. 00385

[Council meeting minutes of Jun 20 2005](#)

ORDINANCE NO. 385

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending chapter 18A.50.600 of the Lakewood Municipal Code, specifically section 18A.50.675, extending the amortization of nonconforming signs to December 31, 2006

WHEREAS, the City of Lakewood is constitutionally authorized to regulate land usage and to enact regulations in the interests of protecting the public health, safety and welfare; and,

WHEREAS, one area wherein such health and safety regulations have been adopted is in regard to signs, enacted to improve automobile and pedestrian traffic safety and to improve the aesthetic appearance of the community; and,

WHEREAS, a mechanism contained within the City's existing sign code, LMC Chapter 18A.50.600, calls for the amortization and removal of all nonconforming signs within the City on December 31, 2005; and,

WHEREAS, in the interests of having legislation that reflects the values, opinions and interests of the citizens of the City of Lakewood, and based upon the recommendation and reasoning of the City's Planning Advisory Board, it has been determined that further study of the amortization of nonconforming signs is necessary and prudent; and,

WHEREAS, the amortization provision contained in LMC 18A.50.675 should be amended to a later date to allow such further study and public hearings in this matter.

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

Section 1. That section 18A.50.675 of the Lakewood Municipal Code be, and the same is hereby amended to read as follows:

18A.50.675- Nonconforming Signs

A. Any sign which does not conform to the sign standards within this chapter, for which a permit was issued by Pierce County prior to February 28, 1996, and which was constructed, erected, and maintained in compliance with applicable Pierce County regulations shall be regarded as a legal non-conforming sign; excluding those signs that are prohibited under LMC, 18A.50.620, Prohibited Signs.

B. Nonconforming Sign Permits.

1. A permit is required for each legal nonconforming sign within the city of Lakewood.
2. The permit shall include the necessary information pertaining to the nonconforming status of the sign for administrative tracking, public notice, amortization (if applicable), and removal of the sign in accordance with this title.
3. All property owners, lessors, or businesses with control of a nonconforming sign within the city shall obtain a nonconforming sign permit for each nonconforming sign within ninety (90) days of notification by the City of Lakewood.
4. No fee shall be charged for required nonconforming sign permits which are obtained within ninety (90) days of notification by the City of Lakewood. Owners of signs who have not obtained the required permit prior to the stated deadline shall be assessed a permit fee for administration of the permit.
5. Changes to nonconforming signs, as allowed pursuant to this title, shall be permitted by documenting the nature and extent of the change on a nonconforming sign permit.

C. Any legal nonconforming sign which is structurally altered, relocated, or replaced shall immediately be brought into compliance with all of the provisions of this title, excluding the, repair, and/or restoration of a sign to a safe condition. Normal maintenance shall be permitted on any part of a sign or sign structure without loss of nonconforming status. Sign face changes that do not result in an increase of the nonconformity shall be allowed, except as specifically prohibited in this chapter.

D. All nonconforming signs not exempted by subsection E below shall be removed or modified to conform with current sign standards no later than ~~December 31, 2005~~, December 31, 2006. A sign permit shall be obtained for any sign modifications necessary to bring signs into conformance. Pursuant to subsection C, all non-conforming signs required to be modified or replaced by this section shall be brought into full compliance with the provisions of this code.

E. Signs for which permits were issued by Pierce County prior to February 28, 1996, if they are within 25 percent of the height and area requirements of the current sign standards as of the effective date of this Ordinance, shall be exempt from the provisions of subsection

D above. In addition, any sign erected pursuant to a valid sign permit issued by the City of Lakewood at any time since incorporation of the City shall be exempt from the provisions of subsection D above. These exemptions shall not apply to any sign listed as a prohibited sign. If the removal of a non-conforming sign is subject to compensation by the City pursuant to RCW 47.42, the Highway Scenic Control/Scenic Vistas Act, an exemption may be provided for said sign at the discretion of the City Manager.

F. In addition to the provisions of subsection D, all nonconforming signs not exempted by subsection E shall be removed or brought into conformance prior to ~~December 31, 2005~~, December 31, 2006, under the following conditions:

1. In conjunction with any administrative use permit, conditional use permit, variance, subdivision, change in use, or building permit application for an expansion or alteration (including new structures) on the property on which the sign is located, where the cost of the expansion, alteration, or new construction is greater than twenty-five (25) percent of the value of the existing structure(s) on the site. This calculation shall include cumulative value, adjusted for inflation, of all expansions, alterations, and new construction initiated since incorporation of the City.
2. Within ninety (90) days of the demolition or destruction of any portion of a building containing the use to which a non-conforming sign is accessory, where the value of that portion of the building is greater than fifty (50) percent of the appraised value of the entire building
3. Within ninety (90) days of damage of the sign by catastrophic events, such as earthquakes, floods and wind, vandalism, fire or other casualty such that the cost of repair and restoration of the sign, to the same or a more conforming design, exceeds fifty (50) percent of the cost of replacing the sign with a conforming sign. The Building Official may require that such sign be removed or repaired in less than ninety (90) days if the sign is deemed to be an immediate danger to the public.
4. Upon notice by the City that the sign is in a state of disrepair, is unsafe, or may become a danger to the public, providing the costs of repair and restoration of the sign exceeds fifty (50) percent of the cost of replacing the sign with a conforming sign.
5. Upon notice by the City that the sign constitutes a traffic hazard not created by the relocation of streets or highways or the result of acts by the City.

G. Any signs not removed within the time limit specified in "D" above, or as otherwise ordered by the City 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 Community Development Director. Costs, including administrative and indirect 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.

H. Amortization. To ease the economic impact of this code on businesses with legal nonconforming signs subject to removal under subsection D, this code has provided for a limited period of use for a nonconforming sign in its existing state. During this period, it is expected that the sign will be amortized on federal income taxes; however, whether it may be so amortized shall not affect the application of this section. Similar treatment shall be accorded signs in new areas annexed to the City.

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 20th day of June, 2005.

CITY OF LAKEWOOD

Douglas G. Richardson, Mayor

Attest:

Alice Bush, CMC, City Clerk

Approved as to form:

Heidi Ann Wachter, City Attorney