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ORDINANCE NO. 2253

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AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING CHAPTERS 20D.160.10 AND 20A.20 OF THE REDMOND COMMUNITY DEVELOPMENT GUIDE; ADOPTING INTERIM REGULATIONS FOR PORTABLE SIGNAGE; CLARIFYING THE DEFINITION OF POLITICAL SIGNS; DECLARING AN EMERGENCY; PROVING FOR SEVERABILITY; SETTING A PUBLIC HEARING DATE; AND PROVIDING FOR IMMEDIATE EFFECT.

WHEREAS, the City of Redmond has adopted and codified at RCDG 20D.160.10-090 a general prohibition on most commercial portable signs; and

WHEREAS, RCDG 20D.160.10-090 was challenged by legal complaint dated July 22, 2003; and

WHEREAS, the United States District Court for the Western District of Washington issued a preliminary injunction against continued enforcement of the City's portable sign prohibition on January 21, 2004; and

WHEREAS, the District Court issued a permanent injunction against enforcement of the City's portable sign prohibition on June 15, 2004; and

WHEREAS, the City has appealed the District Court's decision to the Ninth Circuit Court of Appeals, but no decision is anticipated on the City's appeal until late 2005; and

WHEREAS, a significant proliferation of portable signage has occurred within the Redmond community since issuance of the District Court's preliminary injunction order; and

WHEREAS, the City Council desires to minimize the aesthetic and traffic safety problems posed by portable signage to the extent permissible under the District Court's ruling; and

WHEREAS, the City Council seeks to adopt and immediately implement temporary time, place and manner restrictions on portable signs until the City can promulgate a permanent regulatory scheme for such signage; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment of RCDG 20D.160.10-090. Section 20D.160.10-090(3) of the Redmond Community Development Guide is hereby amended to provide in its entirety as follows:

20D.160.10-090 Prohibited Signs.

The following signs are prohibited:

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(3) Portable Signs. Portable signs not meeting the requirements of RCDG 20D.160.10-060 are prohibited. This prohibition includes, but is not limited to, portable reader boards, signs on trailers and sandwich boards.

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Section 2. Amendment of RCDG 20D.160.10-060. Section 20D.160.10-060 of the Redmond Community Development Guide is hereby amended to provide in its entirety as follows:

20D.160.10-060 Permitted Temporary Signs.

Temporary signs, exempt from RCDG 20D.160.10-050 unless otherwise provided, are permitted in any zoning district subject to the following requirements:

(1) Portable commercial, real estate and construction signs. Portable signs advertising construction project sites, business locations, and the sale or lease of commercial or residential premises are permitted only as follows:

(a) Number. No more than one (1) portable commercial, real estate or construction portable sign shall be allowed for each business location, construction project site, or real estate unit offered for sale or lease. PROVIDED, that a maximum of one portable sign shall be allowed for any multi-unit residential apartment complex notwithstanding the number of rental units therein currently available for lease.

(b) Size. Commercial, real estate and construction portable signs shall not exceed six square feet per sign face, and no such sign shall contain more than two sign faces. Commercial, real estate and construction portable signs shall not exceed six feet in height, measured from the pre-existing ground level to the top of the sign.

(c) Location. No commercial, real estate or construction portable sign shall be located within vehicle lanes, bikeways, trails, sidewalks, median strips, or impede drivers' vision. No commercial, real estate or construction portable sign shall block driveways or be affixed to utility poles, trees or traffic signs.

(e) Festoons prohibited. The use of balloons, festoons, flags, pennants, lights or any other attached display on a commercial, real estate or construction portable sign is prohibited.

(f) Animation prohibited. No commercial, real estate or construction portable sign shall be displayed while being rotated, waved, or otherwise in motion.

(g) Duration. No commercial, real estate or construction portable sign shall be displayed between the hours of 5:00 p.m. and 8:00 a.m.

(2) Major Land Use Action Notice. Where required by RCDG Title 20F, public notice signs which describe proposed major land use actions and public hearing dates are permitted. The sign or signs shall comply with the standards contained in RCDG Title 20F.

(3) Political Signs.

(a) On-Premises Signs. On-premises political signs located at the headquarters of a political party, candidate for public elective office, or a public issue decided by ballot are permitted. All on-premises political signs shall comply with the dimensional and locational requirements of the sign district in which located.

(b) Off-Premises Signs.

(i) Location. Permits for political signs are not required. Political signs may not be placed on private property without the permission of the property owner. In parking strips and public rights-of-way where the placement of a political sign may be fairly attributed to a neighboring property owner, permission of that owner must first be obtained prior to placement. Political signs may not be located so as to impede driver vision or represent an obstruction or hazard to vehicular or pedestrian traffic. On public property not part of the public right-of-way, relevant City departments may designate an area or areas for the placement of political signs in order to ensure that placement will not interfere with the intended use of that land.

(ii) Size/Spacing. Political signs shall not exceed six square feet in size. No political sign may exceed six feet in height, measured from the pre-existing ground level to the top of the sign.

(iii) Removal of Election Signs. Off-premises political signs shall be removed within seven days of the date of the election to which the sign pertains. Failure to remove political signs within the time limit provided shall constitute a violation of this code and shall be punishable as such. In the event that City personnel are required to remove signs from public rights-of-way after expiration of the time limit for removal, all costs associated with such removal shall be the responsibility of the candidate or campaign organization for whom the sign was posted and shall be collected in addition to any other penalty applicable to failure to remove the sign.

(iv) Public Works Projects. The Public Works Department may remove signs from public rights-of-way in order to conduct periodic maintenance activities. Signs removed for this purpose may be picked up at the City's Maintenance and Operations Center and returned to their prior location if still within the removal deadline. The Public Works Department may permanently remove political signs from public rights-of-way for the purpose of carrying out major public works projects. Political signs removed for this purpose will be held and made available for pick up at the

City's Maintenance and Operations Center until 14 days following the next occurring election.

(v) Removal of Signs in Disrepair. The Public Works Department may remove any sign which is in a state of disrepair from the public right-of-way or public property at any time. For purposes of this subsection, a sign is in a state of disrepair if it is ripped, torn, broken, faded, obliterated, obscured, dilapidated, blown down, knocked over or in any other state in which its message has ceased to be readable or legible.

(vi) Notification. Persons interested in locating off-premises political signs within the City shall first notify the City Clerk of their intent to do so and obtain a copy of the City's political sign regulations.

(4) Temporary Window Signs. Temporary window signs shall not be included in the sign area for each facade, provided that such signs do not exceed the smaller of a total of 50 square feet or 10 percent of the window area.

(5) Signs on Kiosks. Temporary signs on kiosks are permitted but the signs shall not exceed four square feet in area.

(6) Temporary Uses and Secondary Uses of Schools, Churches, or Community Buildings. Temporary signs relating directly to allowed temporary uses under these regulations and secondary uses of schools, churches, or community buildings may be permitted for a period not to exceed the operation of the use. The signs need not be processed through the Design Review Board and are subject to the following requirements:

(a) Signs must be portable in nature.

(b) No more than one on-premises sign and one off-premises sign shall be permitted per temporary use, except by virtue of having been in consistent operation prior to the existence of this chapter, and due to the fact numerous individual operators participate in the operation, the open air crafts and farmer's market, commonly known as the Saturday Market, shall be allowed two on-premises signs in addition to one off-premises sign.

(c) No sign shall exceed six square feet per sign face.

(d) Maximum sign height shall be six feet measured from the pre-existing ground level to the top of the sign.

(e) Signs shall not be portable readerboard types, electrical or neon. Only indirect lighting is allowed.

(f) Sandwich board or "A" board signs may be used in compliance with this subsection, Temporary Uses and Secondary Uses of Schools, Churches, or Community Buildings, provided they are used only during the days the temporary or secondary use occurs and are removed after the use ceases for each day.

(g) Signs shall be secured with an approved tie down.

(h) Signs shall be approved by the Planning Director before they are used. If a temporary use permit is required, this review shall take place as part of the temporary use application decision.

Section 3. Amendment of RCDG 20A.20.160. The definition of "Political Sign" contained in Section 20A.20.160 of the Redmond Community Development Guide is hereby amended to provide in its entirety as follows:

20A.20.160 "P" Definitions.

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Political Sign.

A sign which exclusively and solely advertises a candidate or candidate's public elective office, a political party, or promotes a position on a public, social or ballot issue.

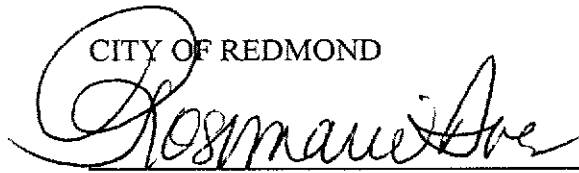
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Section 4. Declaration of Emergency — Effective Date. The City Council hereby finds and declares that an emergency exists necessitating this ordinance to become effective immediately in order to preserve the public health, safety and welfare. This ordinance shall therefore become effective immediately upon passage. The City Clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

Section 5. Sunset Clause. The interim regulations established herein shall expire on September 15, 2005 unless extended or made permanent by the City Council.

Section 6. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, a public hearing regarding the interim regulations contained herein is hereby set for May 3, 2005 at 8:00 p.m. or as soon thereafter as the business of the Council shall permit. The City Council shall adopt findings and conclusions in support of this ordinance immediately after the conclusion of said hearing.

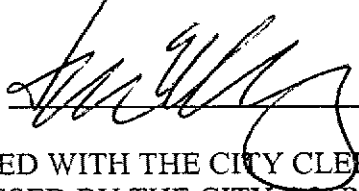
Section 7. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

CITY OF REDMOND

MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:


CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK:	March 10, 2005
PASSED BY THE CITY COUNCIL:	March 15, 2005
SIGNED BY THE MAYOR:	March 15, 2005
PUBLISHED:	March 21, 2005
EFFECTIVE DATE:	March 15, 2005
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