

ORDINANCE NO. 4907

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO SIGNS, AMENDING CHAPTER 3.12 "SIGN CODE" AND AMENDING SECTIONS 3.12.020, 3.12.060, 3.12.080, 3.12.090, 3.12.100, 3.12.140, 3.12.160, 3.12.180, 3.12.240, 3.12.290, 3.12.300, 3.12.340, 3.12.360 AND ADDING A NEW SECTION ENTITLED 3.12.030 "LEGISLATIVE FINDINGS" TO THE ELLENSBURG CITY CODE.

WHEREAS, cities have the responsibility to regulate and control certain aspects relating to signs within their jurisdiction and ensure that the public health, safety and welfare are maintained; and

WHEREAS, the recent United States Supreme Court case of *Reed v. Town of Gilbert* has changed the law regarding a local government's regulation of signs; and

WHEREAS, City staff worked with the Planning Commission at numerous meetings developing amendments for a content neutral sign code; and

WHEREAS, following a duly noticed public hearing held during a regularly scheduled Planning Commission Meeting on September 22, 2022 regarding the proposed amendments, the Planning Commission recommended forwarding the amendments on to City Council for consideration and adoption;

NOW, THEREFORE, the City Council of the City of Ellensburg, Washington do hereby ordain as follows:

Section 1. Chapter 3.12 of the Ellensburg City Code, as last amended by Section 4 of Ordinance 4804, is hereby amended to read as follows:

**Chapter 3.12
SIGN CODE**

Sections:

3.12.020 Purpose.

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3.12.060 Definitions.

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3.12.020 Purpose.

The purpose of this chapter is to promote the health, safety, and welfare of the citizens of Ellensburg by establishing standards to ensure the placement of safe, effective signage in all the land use zones within the city. Specific standards contained within this code are meant to:

- A. Ensure that signs erected under this chapter are constructed of safe, durable materials and secured in a manner adequate to withstand the physical stresses that will be present.
- B. Eliminate possible confusion or conflict between different types of commercial signage and traffic control signals, signs, or devices.

C. Reduce the potential visual obstruction signs may cause to the views of pedestrians, visibility of other signs and building facades when such signs are inappropriately designed or located.

D. Aid the development of a stronger business climate. [Ord. 3402 § 1, 1983.]

3.12.030 Legislative findings.

In conjunction with the adoption of the purposes set forth above and the regulations of this chapter, the city council makes the following findings:

A. Unlike oral speech, signs may cause harm by taking up space, obstructing views, distracting motorists, displacing alternative uses of land, and endangering the safety of persons or property. The city has a substantial and compelling interest in all of the purposes set forth above and has a substantial and compelling interest in regulating signs in such a way that harms caused by signs might be reduced or mitigated.

B. Regulation of the size, height, number and spacing of signs throughout the city is necessary to protect the public safety, to ensure compatibility of signs with surrounding land uses, to enhance the business and economy of the city, to protect public investment in streets and highways, to maintain a tranquil environment in residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, to provide ample, meaningful opportunities for persons who desire to display information by means of a sign to have their information seen and understood, and to provide for the orderly and reasonable display of advertising and other messages for the benefit of all persons in the city.

C. These regulations do not apply to every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the city. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

D. These regulations do not entirely eliminate harms that may be created by the installation and display of signs. Rather, they attempt to strike an appropriate balance that preserves ample channels of communication by means of visual display while reducing and mitigating the extent of the harms caused by signs.

E. Some signs have aspects that make identifying such signs by description impossible without referring to other functional characteristics. For instance, an off-premise sign is one that contains a message related to a facility, service, or business located on premises other than the site of the sign itself. Off-premise signs are commonly large freestanding structures that are designed to stand out and apart from their surroundings. If they are allowed to proliferate, they can cause confusion and implicate greater impacts on safety and aesthetics compared to signs located on the site of the referred-to facility, service or business. It is essential to public safety and the

public welfare to regulate off-premises signs. Wherever a sign is described, in part, by referring to the function it serves, the provisions of this title that regulate such signs are designed to be content neutral with respect to the content of the speech appearing on said sign.

F. These regulations are neither intended nor designed to restrict or control signs for the purpose of promoting or stifling any message that might appear on them.

3.12.040 Scope.

The standards contained in this chapter are meant to apply to signs intended to be viewed from the public rights-of-way. This chapter is not intended to regulate traffic control devices and signs not visible from public rights-of-way. [Ord. 3402 § 1, 1983.]

3.12.060 Definitions.

“A-frame/sidewalk sign” means any sign constructed in such a manner as to be highly mobile and which is placed only on the ground but not permanently fixed to the ground. Said signs are constructed often to function as a folding structure with two separate display faces or as a double-faced surface suspended between two separate supports mounted at each end of the sign face. A-frame/sidewalk signs are further designed to support their own weight as they rest directly on the ground without the use of permanent anchors or other exterior supports.

“Awning” means a covering structure constructed of canvas, cloth, or other flexible material projecting horizontally from and attached to a building.

“Consumable commodity” means any food or beverage product which is offered for human or animal consumption.

“Electrical sign” means a sign whose sign face is illuminated by a separate electrical light source. Each electrical light source, whether mounted externally or internally to the sign face and frame, shall be designed to light the entire sign face or a portion of the sign face. Light sources in electrical signs shall not be used to change or animate individual portions of the text or other features of the sign face.

“Electronic sign” means a sign containing a display that can be changed by an electrical, electronic or computerized process.

“Flashing sign” means an electric sign or a portion thereof which changes light intensity in a transitory burst or which switches on and off in a constant or irregular pattern.

~~“Franchise sign” means a sign whose display surface contains copy advertising of a specific product brand occupies 50 percent or more of the display surface.~~

“Freestanding sign” means a sign supported by poles or braces and not attached to any building.

~~“Freeway-oriented sign” means a sign within 1,000 feet of a freeway right-of-way that has its sign face parallel to, perpendicular to, angled toward, or otherwise readable from the freeway right-of-way.~~

“Height” means the vertical distance measured from the highest point of the sign to the grade of the adjacent street or ground beneath the sign, whichever point is lower.

“IBC standards” means those standards in the adopted edition of the International Building Code published by the International Conference of Building Officials.

“Marquee” means an immobile covering structure projecting horizontally from and attached to a building and constructed of material other than cloth, canvas or other fabrics.

“Marquee sign” means a single-faced sign attached to the front of a marquee whose sign face is parallel to the wall which supports the marquee.

“Multiple occupancy building” means a single structure housing two or more separate retail, industrial, office, service or other commercial ventures. Occupants in such buildings share common walls and have distinct, individual business entrances either on the exterior wall or leading from a common exterior/common egress door. Ventures occupying open floor space without separate structural walls and separate entrances are not considered to be multiple occupants.

“Off-premises sign” means a sign ~~relating to~~ which advertises a business, activity, use, merchandise, product or service at a place other than the property on which said sign is located. A ~~supplemental directional sign as defined below~~, that is required as a condition of participation in the Washington State Department of Transportation’s “Motorist Information Sign Program” is not an “off-premises sign.”

“On-premises sign” means a sign ~~relating to~~ which only advertises a lawful use of the property on which the sign is located, including signs indicating the business transacted, services rendered and goods sold or produced or name of the business.

“Political sign” means a sign advertising a candidate or candidates for public office or elective office or a political party or urging a particular vote or action on a public issue decided by ballot.

“Premises” means a specified lot or tract of land under single ownership.

“Project” means to extend out beyond a given line or distance.

“Projecting sign” means a sign, other than a wall sign, which is supported by a wall of a building or structure and projects over any public right-of-way.

“Roof sign” means a sign supported by the roof or wall of a building which projects above the highest part of the roof or parapet wall.

“Sign” means any communication device intended to attract attention to the subject matter thereof and advertise a business, service, activity, product, idea or concept. Such definition includes any letters, figures, symbols, trademarks or other copy meant to aid in such advertisement. For the purpose of this chapter, a sign shall not be considered to be a building.

“Sign area” means the entire area of a sign on which copy is to be placed. The structure supporting the sign is not included in determining the area of the sign unless the structure is designed in a way to form an integral background for the display. Sign area shall be calculated by measuring the perimeter enclosing the extreme limits of the module or background containing the advertising message, copy, graphic symbols or nonstructural trim.

~~“Supplemental directional sign” is a sign that is required under the Washington State Department of Transportation “Motorist Information Sign Program” to provide supplemental direction to assist interstate travelers to locate businesses advertised on interstate information signs through the State program. Such signs shall be no more than 24 inches by 12 inches in size, shall be of similar color and design as required under the state program for motorist information signs, and may be located at off premises locations within the city.~~

“Temporary banner and poster” means any nonpermanent banner or poster displayed on the exterior of a building or other structure on a lot of record. Such banner or poster shall be constructed primarily of nondurable material such as paper, vinyl, canvas, nylon or other similar flexible, nonrigid material. Temporary banners and posters shall be distinguished from other types of temporary decorations in their use of square or rectangular shapes and presence of letters and figures that display a message that is intended to be read by those who view the banner or poster.

“Temporary decorations” means pennants, balloons, flags and other such nonpermanent display which is displayed on the exterior surface of a building or lot of record. Such temporary decorations shall be constructed primarily of nondurable material such as paper, vinyl, canvas, nylon or other similar flexible, nonrigid material. Temporary decorations as defined herein shall be distinguished from other types of temporary signs, banners and posters by their wide variety of shapes and forms and their lack of letters or figures that display a message which is intended to be read by those who view the temporary decoration.

“USC standards” means those standards in the adopted edition of the Uniform Sign Code published by the International Conference of Building Officials.

“Wall sign” means any sign painted on or attached to an exterior wall of a building with the exposed face of the sign in a plane parallel to the plane of said wall and not projecting from said wall a distance of more than 18 inches. [Ord. 4519 § 1, 2008; Ord. 4395, 2004; Ord. 4393, 2004; Ord. 3825 § 1, 1992; Ord. 3402 § 1, 1983.]

3.12.080 Administration.

The administrator of this chapter shall be the city manager or his their designee who is hereby authorized and directed to carry out all provisions of this sign code. Upon presentation of proper credentials, the administrator may enter at reasonable times any building, structure or premises in the city to perform any duty imposed upon him them by this chapter.

The requirements of this chapter shall supersede the requirements and provisions of any other code in cases of conflicts or language contradiction. [Ord. 3402 § 1, 1983.]

3.12.090 Rates and fees.

The schedule of rates and fees for sign permits shall be as follows, ~~effective July 1, 1992:~~

Sign Permit Fees	
	Fee
For each electrical sign	\$50.00
For each nonelectrical sign	\$35.00

[Ord. 3799 § 9, 1992.]

3.12.100 Violations and penalties.

It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter or continue to use any sign in the city of Ellensburg contrary to or in violation of any provision of this chapter. Any person, firm or corporation violating any of the provisions of this chapter shall be required to remove the illegal sign or modify said sign to conform with to the provisions of this chapter. Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be deemed guilty of a separate offense for each and every day or portion thereof during any violation of any of the provisions of this chapter. Upon conviction of any

violation, such a person shall be punished by a fine of \$150.00 for each separate offense. [Ord. 3402 § 1, 1983.]

3.12.120 Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be termed a separate, distinct and independent provision and the holding shall not affect the validity of the remaining portions thereof. [Ord. 3402 § 1, 1983.]

3.12.140 Permit required.

A. All activity to construct, erect, replace, or otherwise change any sign in the city of Ellensburg after adoption of the ordinance codified in this chapter shall require a valid sign permit issued in accordance to this chapter. A sign permit fee shall be paid in accordance with the schedule established by ordinance adopted by the city council. If the work authorized under a permit has not been completed within one year after the date of issuance, the said permit shall become null and void. Permits shall be nontransferable. Any person installing signs in the city of Ellensburg, unless the owner of the premises to which the sign relates ~~business being advertised~~, shall be a bona fide general or specialty contractor as set forth in Chapter 18.27 RCW.

B. Whenever a sign projects over or rests upon a public right-of-way, the owner of the sign shall file with the administrator a written agreement to save the city harmless of any damage or injuries sustained as a result of the construction, operation or maintenance of the sign. The owner of the sign shall also submit proof that he is protected by liability and property damage insurance in a sum of not less than \$25,000 for damage and \$50,000 for personal injury caused by the construction, operation, or maintenance of said signs. [Ord. 3402 § 1, 1983.]

3.12.160 Powers and duties of the administrator.

A. All signs for which a permit is required shall be subject to inspection by the administrator of this chapter at his their discretion.

B. The administrator shall order the modification or removal of any sign that does not meet the requirements of this chapter. [Ord. 3402 § 1, 1983.]

3.12.180 Materials and structural requirements.

- A. All signs erected or altered under the provisions of this chapter shall meet the requirements of the International Building Code, the National Electrical Code and the 1994 1997 Edition of the Uniform Sign Code, or any superseding edition adopted by the city.
- B. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or stand pipe.
- C. No sign shall obstruct any openings to such an extent that light or ventilation is reduced to a point below that required by any other city code.
- D. Signs shall be located to provide clearance from overhead electrical conductors as provided in the Electrical Construction Code of the State of Washington and the National Electrical Code. [Amended during 2007 codification; Ord. 3402 § 1, 1983.]

3.12.200 Landmarks and design review.

All signs erected in the C-C and C-C II zones shall undergo a design review process prior to the issuance of said sign permit according to the following requirements, except for those signs erected on buildings or premises which are identified as landmarks or are situated within a landmarks district which shall be governed by the requirements of the landmarks and design ordinance, Chapter 15.280 ECC.

- A. The applicant for the sign permit shall submit a scaled drawing of the sign along with information regarding the type of material involved, color scheme, type of lettering or symbols used, method of illumination and proposed location of mounting.
- B. The landmarks and design commission review will take into account the appropriateness of the design and appearance of the sign as it relates to the buildings and area surrounding the location.
- C. The landmarks and design commission shall meet and review with the applicant the proposed sign within 15 days from the date a written application for a sign permit is received by the city. The landmarks and design commission shall respond in writing to the applicant no later than five working days after the expiration of the said 15-day review period. The administrator shall not approve any sign permit application undergoing the design review until a written recommendation is received by the applicant or expiration of the above 20-day time limit, whichever comes first. The applicant's compliance with any recommendation made by the landmarks and design commission shall be voluntary. [Ord. 4573 § 3, 2010; Ord. 4245, 2000; Ord. 3402 § 1, 1983.]

3.12.220 Projecting signs.

All projecting signs erected or changed after adoption of the ordinance codified in this chapter shall meet the following requirements:

- A. Sign area of projecting signs in the C-C and C-C II zones shall not exceed 25 square feet on any single sign face. Multifaced signs shall not exceed a maximum of 50 square feet in total sign area.
- B. Projecting signs erected or changed in any zone shall maintain a minimum clearance of 14 feet between the lowest portion of the sign and the ground surface immediately below the sign if said area is a public right-of-way and used for vehicular movement or parking. Signs projecting over any public right-of-way shall maintain a minimum nine-foot clearance between the lowest portion of the sign and the public right-of-way below, unless such signs are hung from marquees or awnings, in which case said clearance shall be a minimum of seven and one-half feet.
- C. Projecting signs shall not project more than six feet into the public right-of-way in the C-C and C-C II zones or 10 feet in any other zoning district in the city.
- D. Businesses shall be allowed no more than one projecting sign for their use. For businesses which have building frontage on two different streets, a maximum of one projecting sign may be located on each separate street frontage. [Ord. 3402 § 1, 1983.]

3.12.240 On-premises signs.

All on-premises signs shall adhere to the following conditions:

- A. The maximum height for all on-premises signs in all zoning districts shall be 35 feet; provided, however, that wall signs shall be permitted to extend to the top of a building wall.
- B. Notwithstanding the forgoing, the maximum height for all on-premises freeway-oriented signs in the C-H zone shall be 100 feet.
- BC. The maximum sign area of any on-premises sign, unless otherwise provided in this chapter, shall be 300 square feet, with multifaced signs not exceeding a maximum of 600 square feet. [Ord. 3402 § 1, 1983.]

3.12.260 Off-premises signs.

No off-premises signs shall be allowed. [Ord. 4890 § 3, 2022.]

3.12.280 Electrical signs.

Electrical signs shall conform to the following requirements:

- A. No electric sign shall revolve or be animated in any way.
- B. No electric sign shall flash on and off or alternate between varying light intensities.
- C. The light emitted from any electrical sign or any light source used to illuminate the face of a sign shall be so shaded, shielded or directed that light intensity shall not adversely affect nearby premises or the safe vision of operators of vehicles.
- D. Electrical equipment used in connection with signs shall be installed in accordance with the requirements of the National Electrical Code. [Ord. 4395, 2004; Ord. 3825 § 2, 1992; Ord. 3402 § 1, 1983.]

3.12.290 Electronic signs.

Electronic signs shall conform to the following requirements:

- A. Electronic signs shall be allowed as display on any building in any C-C II, C-H, I-L or I-H zoned property in the city subject to the following conditions:
 1. No electronic sign shall revolve, emit sound, or be physically animated in any way;
 2. No electronic sign shall exceed a total sign face area size of sixteen square feet; and
 3. Businesses in the C-C II, C-H, I-L, and I-H zones shall be limited to one electronic sign per street frontage of the business. Buildings with multiple business occupancies, allowed through lease or other arrangements, shall be limited to one electronic sign per street frontage for the multiple-occupancy building.
- B. Electronic signs shall be allowed in the public reserve zones and public rights-of-way in the city and on non-public reserve zoned land that is leased for public purposes by a municipal corporation or other agency of the state or federal government subject to the following conditions:
 1. Such public reserve land or public rights-of-way must be owned by a municipal corporation or other agency of the state or federal government or such non-public reserve zoned land must be leased for public purposes by a municipal corporation or other agency of the state or federal government;
 2. Placement of electronic signage must be pursuant to the specific approval of the city of Ellensburg, state or federal governmental agency;

3. Maximum area of all faces of the electronic display portion of the sign shall not exceed a total of 64 square feet;
4. Maximum number of electronic signs shall be one per street frontage;
5. The display of the sign shall not change more rapidly than once every three seconds. No message shall require more than 10 seconds to be displayed in its entirety;
6. The display shall not appear to flash, undulate, pulse, blink, bounce, contract or expand, or otherwise appear to move toward or away from the viewer;
7. All such electronic signs shall be equipped with ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the electronic sign based on ambient light conditions;
8. Maximum brightness levels for electronic signs shall not exceed the brightness levels recommended by the manufacturer of the sign; and
9. No electronic sign shall revolve, emit sound, or be physically animated in any way.
10. In addition to conditions in subsections (B)(1) through (9) of this section, the placement of electronic signs on non-public reserve zoned land that is leased for public purposes by a municipal corporation or other agency of the state or federal government shall be subject to the following additional conditions:
 - a. The leased land and the proposed sign location must abut University Way or Canyon Road; and
 - b. The electronic sign shall be removed within 30 days from the date the land is no longer leased by the municipal corporation or other agency of the state or federal government for public uses. [Ord. 4563 § 1, 2010; Ord. 4395, 2004; Ord. 4393, 2004.]

3.12.300 Other signs.

- A. Roof signs or other building-mounted signs which project above the roof line of the building on which the sign is mounted shall be prohibited in all zones except the C-H zone, where they shall not exceed 35 feet in height from ground level.
- B. The total maximum area of any sign located on the premises of a lot with advertising or located a residential apartment use in the PUD, R-H, R-L, R-M, or R-O zones shall be eight square feet except as provided for in subsection (C) of this section.

C. The total maximum area of any sign located on the premises of a lot with advertising or located an approved office or professional service use in the R-O or PUD zones shall be 25 square feet; provided, however, the sign area and number of signs located on the premises of advertising a lot with residential apartment, office or professional service use in the R-O zone, when such use is located on a lot of record with frontage on Mountain View Avenue, shall be governed by the same sign requirements that apply to the C-H zone.

D. The total maximum area of any sign located on the premises of a lot with advertising or located a single-family or home occupation use in the PUD, R-H, R-S, R-L, R-M, or R-O zones shall be three square feet.

E. Businesses and all multiple-occupancy buildings in all zones shall be allowed no more than one freestanding sign per street frontage with the maximum of two freestanding signs, with the following exceptions: that

1.—~~B~~usinesses in the C-H zone shall be allowed one additional freestanding sign if the property has a minimum of 180 feet of frontage on a single street and is a minimum of one acre in area ~~and another freestanding sign if the business successfully obtains a conditional use from the planning commission for the construction of a freeway-oriented sign.~~

2.—~~Businesses in the T-C C-T zone shall be allowed two freestanding signs per lot plus one additional sign if the property has a minimum of 180 feet of frontage on a single street and is a minimum of one acre in area for a total maximum of three freestanding signs.~~

F. ~~All signs advertising a consumable commodity in any zone shall be limited to advertising the consumable commodity with a maximum of 25 percent of the total sign area. A minimum of 75 percent of the total sign area shall be used to advertise the business which offers the consumable commodity for sale~~

F.G. Individual signs allowed by this chapter shall not be combined in such a way as to create one large sign, which combination sign is larger than the allowable area for any individual sign provided for in this chapter. [Ord. 4395, 2004; Ord. 4307, 2001; Ord. 3402 § 1, 1983.]

3.12.320 Preexisting signs.

Signs which were existing and in lawful use prior to the adoption of the ordinance codified in this chapter, except temporary or special signs which are not subject to preexisting sign status, shall be considered nonconforming signs and may continue in use subject to the following requirements:

- A. Said signs are properly maintained in the manner set forth in ECC 3.12.380, Maintenance.
- B. Businesses with preexisting nonconforming signs shall not be eligible for any additional signs until the preexisting signs be made to conform to the requirements of this chapter.
- C. No alterations are made to said preexisting signs to enlarge or change their original appearance or location in a manner which is held to increase their degree of nonconformity. Such preexisting signs may change the copy and design of the sign face without affecting their nonconforming status if no changes are made to the sign frame or structure.
- D. If any of the above alterations are made or if any said signs are removed by the owner, the resulting alterations or new replacement signs shall conform to the requirements of this chapter.
[Ord. 3402 § 1, 1983.]

3.12.340 Temporary and special signs.

Temporary and special signs or displays are nonpermanent in nature and are intended for use only for a limited period of time. The category includes any banner, pennant, flag or advertising display constructed of canvas, fabric, wood, plastic, metal or other material. All such temporary or special signs are allowed provided they meet the following respective requirements:

- A. Signs displayed prior to, during, and after elections Political signs, posters or bills promoting or publicizing candidates for public office or issues that are to be voted upon in a general or special election shall not exceed a maximum sign area of 10 square feet in the R-S, R-L, R-M, R-O, and MHP and MHS zones. In all other zones, said political signs shall conform to the sign area requirements applicable to the type of sign used. Such Political signs shall be displayed only on private property of consenting property owners. Such signs shall be removed within seven days after the election, except that a candidate who wins a primary election and advances to a general election may continue to display such political signs until seven days after the general election. It will be the responsibility of the appropriate campaign manager or candidate for office to remove their political signs within the above time.
- B. Signs for properties with active construction Construction signs identifying the architects, engineers, contractors, or other individuals or firms involved in the construction of a building must obtain a sign permit and specify the amount of time the sign is to be displayed, which in no event shall extend beyond the time a valid building permit for such activity is in effect. Only one such construction sign is allowed per site not to exceed 48 square feet in size in the R-S, R-L, R-M, and R-O zones. In all other zones, said signs shall conform to the sign area requirements applicable to the type of sign used.
- C. Temporary banners and posters as defined in this chapter shall be allowed for use in any commercial or industrial zone, subject to the following limitations. Each business address shall

be limited to the display of no more than seven banners or posters at any one time. The aggregate area of all banners or posters displayed at any one time shall not exceed 250 square feet. For the purposes of this chapter, a business address shall be considered a single building or complex or related buildings housing a single business or multiple businesses. Multiple businesses in one building or a related complex of buildings shall be treated as a single business address. The display of such banners and posters shall take place entirely on private property, shall not cause any sight distance or other public safety problems for motorists, pedestrians, or bicyclists, and shall conform to the height requirements for the zone in which located.

D. Temporary decorations as defined in this chapter shall be allowed for use in any business or industrial zone, subject to the following limitations. Each business address shall be limited to the display of temporary decorations which total surface area of all such temporary decorations shall not exceed a total of 250 square feet at any one time. For the purposes of this chapter, a business address shall be considered a single building or complex of related buildings housing a single business or multiple businesses. Multiple businesses in one building or a related complex of buildings shall be treated as a single business address. The display of such temporary decorations shall take place entirely on private property, shall not cause any sight distance or other public safety problems for motorists, pedestrians, or bicyclists and shall conform to the height requirements for the zone in which located.

E. ~~Signs for property for sale or rent~~ ~~Real estate signs which advertise for sale, lease, or open house information for any lot or property in the city shall be located on said property for the time such sale or lease is offered. In the R-S, R-L, R-M, R-O, MHP, MHS, and C-N zones, such real estate signs shall not exceed eight square feet in total sign area. If said real estate signs overhang public rights-of-way, they shall be subject to the provisions of ECC 3.12.220(B). In the C-C, C-C II, C-H, I-L, and I-H zones, such real estate signs shall not exceed 48 square feet in total sign area.~~

F. ~~Banners for community events which advertise civic activities such as the Ellensburg Rodeo and Kittitas County Fair and other activities which that may from time to time be approved by the city council may be supported on those steel strain poles in two locations in the public right-of-way which were constructed for that specific purpose. "Community events" are nonprofit, governmental or charitable festivals, contests, programs, fairs, carnivals, or recreational contests conducted within the city. One set of strain poles is authorized on University Way between N. Walnut Street and N. Anderson Street and one set is authorized on 4th Avenue between Main Street and Pearl Street.~~

G. A-frame signs as defined in this chapter shall be allowed for use in any commercial or industrial zone, subject to the following limitations. For the C-H, C-N, I-L, and I-H zones, each business address shall be allowed for the use of a maximum of one A-frame sign at any one time. For the purposes of this chapter, a business address shall be considered a single building or complex of related buildings housing a single business or multiple businesses. Multiple

businesses in one building or complex of related buildings shall be treated as a single business address. Each A-frame sign displayed in the C-H, C-N, I-L and I-H zones shall not exceed a total sign area of 32 square feet on one side and 64 square feet total sign area on all faces and shall be placed a minimum of two feet behind the inside edge of an existing curb if no sidewalk is present. If no sidewalk or curb is present, the A-frame sign shall be placed a minimum of eight feet behind the edge or road pavement. Further, such A-frame sign shall not cause any sight distance or other public safety problems for motorists, pedestrians, or bicyclists.

For the C-C and C-C II zones, each business shall be allowed the use of a maximum of one sidewalk sign at any one time. For the purposes of this chapter, in the C-C and C-C II zones each business which has been issued a separate city business license shall be entitled to the use of one sidewalk sign at any one time. Each sidewalk sign displayed in the C-C or C-C II zones shall not exceed a height of three feet and a width/length of two feet and shall be adequately anchored against movement or overturning due to wind. Such signs shall not cause a hazard or impediment to pedestrians, vehicles, or bicyclists.

H. All signs placed on vehicles, trailers, or portable supports which are parked or located for the primary purpose of displaying said signs are prohibited. This does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business.

I. Community Welcome banners, pennants, signs, windsocks, flower baskets, or other displays ~~connoting a welcome~~ from the city of Ellensburg to visitors of the city may, upon prior approval of the council of the city of Ellensburg, be displayed over or on publicly owned land or rights-of-way at a minimum clearance of at least 20 feet for a renewable period of one year, said right to display being subject to the annual review and approval of the council. [Ord. 4395, 2004; Ord. 3582 § 1, 1987; Ord. 3402 § 1, 1983.]

3.12.360 Exempt signs.

The following signs or displays are exempted from coverage under this chapter:

A. ~~Traffic or pedestrian control signs or signals or signs indicating scenic or historic buildings or points of interest which are erected by the order of a public officer.~~

A.B. Signs and public notices required or directed by law including traffic control signs.

C. ~~Official public notices, official court notices, or official sheriff's notices.~~

D. ~~The flag of a government or public institution.~~

E. ~~Exterior building signs not visible from streets or other public rights-of-way.~~

CF. Interior building signs. Nothing in this section shall allow any electrical sign which does not meet the requirements of ECC 3.12.280.

DG. ~~Historic or memorial plaques, tablets, or inscriptions indicating the name of a building, its date of construction or other commemorative information which are attached flat to a the building, are not illuminated, and do not exceed three square feet in total area.~~

H. ~~Incidental signs conveying warning or other public service information messages which shall not exceed three square feet in total sign area.~~

I. ~~Seasonal decorations within the appropriate holiday season.~~

J. ~~Sculptures, fountains, mosaics, or other art which do not incorporate advertising or identification.~~

KE. Signs which are painted or mounted on delivery vehicles or other operable commercial vehicles which are primarily used for transportation and commerce.

L. ~~Structures intended for a separate use such as phone booths, containers for charitable donations, and product dispensing machines.~~

FM. ~~Signs required under the Washington State Department of Transportation “Motorist Information Sign Program”~~ Supplemental directional signs as defined in ECC 3.12.060 are subject to the following conditions:

1. The sign must be a requirement for participation in the Washington State Department of Transportation “Motorist Information Sign Program,” and a participating business shall not be allowed to locate within the city any more than the minimum number of such signs required for its participation in the Motorist Information Sign Program;
2. The sign must comply with the requirements of that program, and shall be no larger than 24 inches by 12 inches in size and shall be of similar color and design as required under the state program for motorist information signs;
3. The sign may be located at off-premises locations within the city but shall be located only within the city’s right-of-way and at a location as approved by the public works and utilities director or her/his designee to ensure traffic and pedestrian safety, with the city reserving the right to require relocation of the sign to an alternative location in order to address maintenance and traffic or pedestrian safety issues that may arise in the future. The installation, relocation and removal of the sign will be at the business’s sole expense and shall be performed in a manner approved by the public works and utilities director or her/his designee; and
4. The sign shall be removed within 30 days of termination of the business’s participation in the Motorist Information Sign Program or the city shall remove said sign

at the business's sole expense. [Ord. 4804 § 4, 2018; Ord. 4519 § 2, 2008; Ord. 3402 § 1, 1983.]

3.12.380 Maintenance.

All signs, including preexisting signs, 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 mounted or otherwise dangerous, it shall be the duty of the owner of the premises to repair or remove it. The premises surrounding a freestanding sign shall be kept clear of rubbish or weeds. [Ord. 3402 § 2, 1983.]

3.12.400 Removal of certain signs.

A. Any sign now or hereafter existing which, for a period of 60 days, no longer advertises a bona fide business conducted or product sold shall be taken down and removed by the owner, agent or person having the beneficial use of the building, lot or structure upon which such sign may be found. This requirement shall not apply to seasonal businesses unless such businesses have not operated for a period of two consecutive years or more.

B. Upon failure to comply with this provision, the building official is hereby authorized to cause removal of the sign. Any expense incident thereto shall be paid by the owner of the premises or filed as a lien against the property. [Ord. 3402 § 1, 1983.]

3.12.440 Uniform Sign Code.

The 1997 Edition of the Uniform Sign Code, published by the International Conference of Building Officials, is hereby adopted by reference and incorporated as a part of the Ellensburg City Code, except Section 402(c), Restrictions on Combustible Materials, and Section 402(d), Nonstructural Trim, thereof, which are hereby specifically adopted only as amended to read as follows:

Section 402(c) Restrictions on Combustible Materials. No combustible materials other than approved plastics shall be used in the construction of electric signs.

Section 402(d) Nonstructural Trim. Section Eliminated.

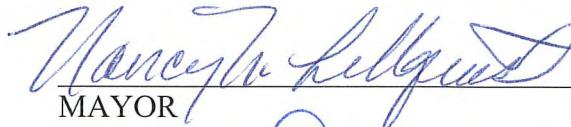
[Ord. 3799 § 10, 1992; Ord. 3402 § 1, 1983.]

Section 2. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

Section 3. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 3rd day of January, 2023.



MAYOR


CITY CLERK

Approved as to form:



CITY ATTORNEY

Publish: 1-5-2023

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4907 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4907 was published as required by law.



BETH LEADER