

## ORDINANCE NO. 4563

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO ELLENSBURG MUNICIPAL CODE CHAPTER 3.12 "SIGN CODE"; AND AMENDING SECTION 3.12.290 TO EXPAND THE PERMITTED LOCATIONS FOR ELECTRONIC SIGNS TO INCLUDE NON-PUBLIC RESERVE ZONED LAND IN THE CITY THAT IS LEASED FOR PUBLIC PURPOSES BY A MUNICIPAL CORPORATION OR OTHER AGENCY OF THE STATE OR FEDERAL GOVERNMENT SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the City's Sign Code, EMC Chapter 3.12, regulates the size, type and locations of signs within the City limits; and

WHEREAS, the City's Sign Code, EMC Section 3.12.290(B), permits electronic signs in the public reserve zones and public rights-of-way in the city subject to certain conditions, one of which is that the public reserve land or public rights-of-way must be owned by a municipal corporation or other agency of the state or federal government; and

WHEREAS, the City Council has concluded that public reserve entities, as part of their normal operations, may also lease property for public purposes that may not be located within the public reserve zone; and

WHEREAS, the City Council has further determined that it is in the community's best interest and that it is consistent with the original intent of the Sign Code to allow for public reserve entities to be permitted to utilize electronic signs for public purposes on non-public reserve land that is leased by the public reserve entity, subject to certain conditions;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1. Section 3.12.290 of the Ellensburg Municipal Code, as last amended by Ordinance No. 4395 is hereby amended to read as follows:**

### **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, T-C, 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 three square feet; and
3. Businesses in the C-C II, C-H, T-C, 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 1 thru 9 above, 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 thirty (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.


**Section 2. 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.

**Section 3. Effective Date.** This ordinance shall take effect and be in full force five (5) days after publication of a summary, consisting of the title.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council this 19th day of April, 2010.

  
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Bruce Tabb, MAYOR

ATTEST:

  
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Coreen Reno, CITY CLERK

APPROVED AS TO FORM:

By:   
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Jim Pidduck, CITY ATTORNEY

Publish: 4-22-10

Publish:

I, Coreen M. Reno, City Clerk of said City, do hereby certify that Ordinance No. 4563 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, that Ordinance No. 4563 was published as required by law.

  
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COREEN M. RENO, CMC