

AGENDA

Clallam County Planning Commission

Meeting of August 17, 2022 6:00 p.m.

The Clallam County Planning Commission will conduct a regularly scheduled meeting on **Wednesday, August 17, 2022, at 6:00 p.m.** in Room 160 of the Clallam County Courthouse, 223 East Fourth Street, Port Angeles, WA 98362. The meeting can also be attended via Zoom through meeting number 857 7304 5582 with passcode 12345.

The information provided to the Commission in preparation for this meeting is available at:
<https://websrv7.clallam.net/forms/uploads/PlanningCommissionPacket.pdf>

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. WELCOME**
- E. APPROVAL OF MINUTES**
- F. ANNOUNCEMENTS**
- G. PUBLIC COMMENT – Please Limit Comments to Three Minutes**
- H. UNFINISHED BUSINESS**
- I. PUBLIC HEARING: none**
- J. WORK SESSION ITEMS: Continued Sign Ordinance Discussion**

Presentation by James Carpenter regarding sign lighting and digital signs
- K. PUBLIC COMMENT – Please Limit Comments to Three Minutes**
- L. ADJOURNMENT**

Members:

Chair, Steve Gale & Vice-Chair, Ron Long
Robert Miller; N. Bonnie Booth; M. Ingrid Carmean; Jeff Carter; Thomas Butler
Department of Community Development Staff:
Donella Clark, Principal Planner

MINUTES

Clallam County Planning Commission

Meeting of July 20, 2022, 6:00 PM

- A. CALL TO ORDER: The meeting was called to order at 6:01 p.m.
- B. PLEDGE OF ALLEGIANCE.
- C. ROLL CALL: Members present were Chair Gale, Vice-Chair Long, Robert Miller, Ingrid Carmean, Jeff Carter and Thomas Butler. Donella Clark, Principal Planner represented staff from the Department of Community Development.
- D. WELCOME: Chair Steve Gale welcomed all in attendance
- E. APPROVAL OF MINUTES: June 15, 2022
- F. ANNOUNCEMENTS: Commissioner Carter informed us he will be traveling and will try to attend the next few meetings but cannot guarantee he will have internet or wireless connection.
- G. PUBLIC COMMENT PERIOD: Ken Reandeau informed the Planning Commission that he has put in an application to be a Planning Commission member.
- H. UNFINISHED BUSINESS: None.
- I. PUBLIC HEARING ITEM: None.
- J. WORK SESSION ITEMS: Staff began by asking for suggestions on stakeholders who could be invited to a future meeting to discuss standards. Staff then presented the first set of changes explained in the memo to the Planning Commission. Discussion with the Planning Commission included Goals and Intent, Permitting, and start to discussion on "Abandoned Signs" and Prohibited Signs. Staff explained the next steps will include suggestions of new definitions, closer look at what signs should be prohibited and exempt and standards. Staff will make changes as suggested for the next meeting.
- K. PUBLIC COMMENT PERIOD: None.
- L. ADJOURNMENT: The meeting adjourned at __7:00__ p.m.



MEMORANDUM

Clallam County Department of Community Development

Date: August 17, 2022
To: Clallam County Planning Commission
From: Donella Clark, Principal Planner
Re: Sign Code

Provided in the packet is a Section from the International Building Code regarding Signs, Information from the Signage Foundation and Sign Research Foundation regarding impacts of Reed vs Town of Gilbert decision, comments from James Carpenter regarding Clallam County's sign code, and an updated code with the following changes and highlighted sections intended for discussion:

Goals

The goals as written are still relevant today. Signs are used as communication, but should not interfere with the natural beauty of Clallam County, and be constructed in a manner that is consistent with building codes. The goals from Scenic Vistas Act reads:

"The control of signs in areas adjacent to state highways of this state is hereby declared to be necessary to promote the public health, safety, welfare, convenience and enjoyment of public travel, to protect the public investment in the interstate system and other state highways, and to attract visitors to this state by conserving the natural beauty of areas adjacent to the interstate system, and of scenic areas adjacent to state highways upon which they travel in great numbers, and to insure that information in the specific interest of the traveling public is presented safely and effectively."

Staff believes that this statement is reflected in 1d, 1f, and 1g.

Point 1b has been modified to express more of the point of the goal as was discussed at the previous meeting.

Definitions

Other code examples provided show a number of sign types not specifically defined in the County Code that should be included to better guide appropriate sign placement and enforcement. Some of the sign types not specifically defined are: A-frame, banner, billboard, digital, inflatable, feather or flutter, message boards. Some definitions such as awing is discussed in our façade sign definition. Aspects of signs, such as animation, fade and electronic may also be helpful as definitions and could be a point to discuss. Staff recommends the inserted definitions in the draft code based on other jurisdictions and dictionary definitions.

Highlighted definitions should be discussed as potentially needing changed or removed completely. Since we are not able to regulate content, such definitions as construction signs may need to be removed since they define the content of the sign, not the size, type, or location. An asterisk has been placed on these types of signs that should be considered for removal.

Exempt Signs

Exempt signs and Prohibited signs were moved up as discussed. Would it make more sense to put prohibited signs first or exempt first?

To clarify that replacement signs do not require a permit an exemption is added to read that "Replacement of permitted or legal non-conforming signs if not changed in height, shape, size, lighting/illumination." The definition for nonconforming sign was changed to be "legal nonconforming" which shall mean any sign in existence within the County on the date of adoption of the ordinance 694 codified in 2000 which did conform to all applicable laws in effect on the date the sign was originally erected.

If we intend to allow feather/flutter signs staff would prefer not to have them require a permit, but would like to see that they are frequently replaced. The exact number for each business is a point of discussion as is if a time limit should be enacted.

Added "grand opening" signs to allow new businesses to advertise their business. Do we want to exempt banner signs for businesses that are advertising a sales event?

The reader board placed near the Baker Dip appears to potentially be a prohibited sign. It is unclear who controls this reader board, though the information advertised is generally City wide events, tsunami siren dates, etc.

Suggestion of other signs to be exempt should also be discussed.

Prohibited Signs

Under current code, portable signs, which would seem to include flutter signs, are prohibited. A distinction between portable signs and flutter signs would allow for an exemption if the Commission feels some flutter signs should be allowed.

Rotating signs are currently prohibited and should probably remain prohibited since they would be hard to control and could create a distraction.

Need to clarify what lighting is prohibited and if we should move the section about Television Type Video out on its own.

Permitting

City of Port Angeles seems to suggest they review all signs and determine if a permit is required. It is my preference to have all sign requests be reviewed and determined if building permits are needed. Replacement of signs has been added to the exempt section, but only if replacement of permitted or legal non-conforming signs if not changed in height, shape, size, lighting/illumination.

Standards

Staff appreciates the current sign code and the landscape that has been maintained through the code. Some places become cluttered with signage, and the current sign code has done a decent job not permitting clutter. With greater enforcement and clarification of exempt and prohibited signs the clutter that is currently existing will likely be removed.

Some questions to consider for upcoming discussion on Standards:

Does artwork count as part of the sign? Is logo the same as art?

Do we want to alter the size of signs dependent on the speed of the road?

Do we want to reduce the size of electronic signs?

How do we ensure multi-business signs use the sign for multiple businesses and not just take up the size for one business only?

3104.9 Exit access travel. The length of *exit access* travel shall be 200 feet (60 960 mm) or less.

Exceptions:

1. *Exit access* travel distance on a *pedestrian walkway* equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 shall be 250 feet (76 200 mm) or less.
2. *Exit access* travel distance on a *pedestrian walkway* constructed with both sides not less than 50 percent open shall be 300 feet (91 440 mm) or less.
3. *Exit access* travel distance on a *pedestrian walkway* constructed with both sides not less than 50 percent open, and equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1, shall be 400 feet (122 m) or less.

3104.10 Tunneled walkway. Separation between the tunneled walkway and the building to which it is connected shall be not less than 2-hour fire-resistant construction and openings therein shall be protected in accordance with Section 716.

SECTION 3105 AWNINGS AND CANOPIES

3105.1 General. *Awnings* and *canopies* shall comply with the requirements of Sections 3105.2 and 3105.3 and other applicable sections of this code.

3105.2 Design and construction. *Awnings* and *canopies* shall be designed and constructed to withstand wind or other lateral loads and live loads as required by Chapter 16 with due allowance for shape, open construction and similar features that relieve the pressures or loads. Structural members shall be protected to prevent deterioration. *Awnings* shall have frames of noncombustible material, *fire-retardant-treated wood*, heavy timber complying with Section 2304.11, or 1-hour construction with combustible or noncombustible covers and shall be either fixed, retractable, folding or collapsible.

3105.3 Awnings and canopy materials. *Awnings* and *canopies* shall be provided with an *approved* covering that complies with one of the following:

1. The fire propagation performance criteria of Test Method 1 or Test Method 2, as appropriate, of NFPA 701.
2. Has a flame spread index not greater than 25 when tested in accordance with ASTM E84 or UL 723.
3. Meets all of the following criteria when tested in accordance with NFPA 286:
 - 3.1. During the 40 kW exposure, flames shall not spread to the ceiling.
 - 3.2. Flashover, as defined in NFPA 286, shall not occur.
 - 3.3. The flame shall not spread to the outer extremity of the sample on any wall or ceiling.
 - 3.4. The peak heat release rate throughout the test shall not exceed 800 kW.

Exception: The fire propagation performance and flame spread index requirements shall not apply to awnings installed on detached one- and two-family dwellings.

SECTION 3106 MARQUEES

3106.1 General. Marquees shall comply with Sections 3106.2 through 3106.5 and other applicable sections of this code.

3106.2 Thickness. The height or thickness of a marquee measured vertically from its lowest to its highest point shall be not greater than 3 feet (914 mm) where the marquee projects more than two-thirds of the distance from the *lot line* to the curb line, and shall be not greater than 9 feet (2743 mm) where the marquee is less than two-thirds of the distance from the lot line to the curb line.

3106.3 Roof construction. Where the roof or any part thereof is a skylight, the skylight shall comply with the requirements of Chapter 24. Every roof and skylight of a marquee shall be sloped to downspouts that shall conduct any drainage from the marquee in such a manner so as not to spill over the sidewalk.

3106.4 Location prohibited. Every marquee shall be so located as not to interfere with the operation of any exterior standpipe, and such that the marquee does not obstruct the clear passage of *stairways* or *exit discharge* from the building or the installation or maintenance of street lighting.

3106.5 Construction. A marquee shall be supported entirely from the building and constructed of noncombustible materials. Marquees shall be designed as required in Chapter 16. Structural members shall be protected to prevent deterioration.

SECTION 3107 SIGNS

3107.1 General. Signs shall be designed, constructed and maintained in accordance with this code.

SECTION 3108 TELECOMMUNICATION AND BROADCAST TOWERS

[BS] 3108.1 General. Towers shall be designed and constructed in accordance with the provisions of TIA-222. Towers shall be designed for seismic loads; exceptions related to seismic design listed in Section 2.7.3 of TIA-222 shall not apply. In Section 2.6.6.2 of TIA 222, the horizontal extent of Topographic Category 2, escarpments, shall be 16 times the height of the escarpment.

Exception: Single free-standing poles used to support antennas not greater than 75 feet (22 860 mm), measured from the top of the pole to grade, shall not be required to be noncombustible.

[BS] 3108.2 Location and access. Towers shall be located such that guy wires and other accessories shall not cross or encroach on any street or other public space, or over above-ground electric utility lines, or encroach on any privately owned property without the written consent of the owner of the encroached-upon property, space or above-ground electric utility lines. Towers shall be equipped with climbing and working facilities in compliance with TIA-222. Access to the tower sites shall be limited as required by applicable OSHA, FCC and EPA regulations.

Wind, snow, seismic

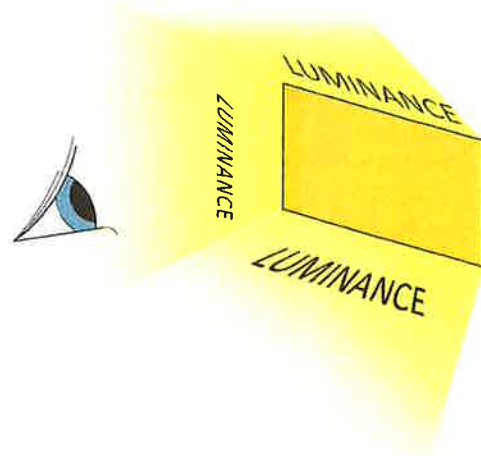
Sign Brightness

Measuring Sign Brightness

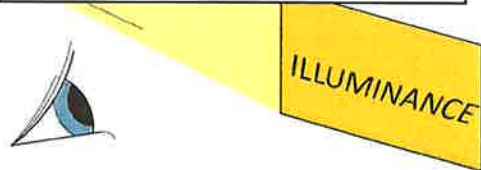
by Gregory Young

Apart from energy consumption, there are the important issues of light trespass and light pollution, which cause distraction, obscure stars in the night sky, and, like any other form of pollution, disrupt ecosystems and cause adverse health effects for humans and wildlife alike. Light trespass¹ is measured in two ways: luminance or illuminance. *Luminance* (measured in nits²) quantifies surface brightness, or the amount of light an object gives off. *Illuminance* (measured in footcandles³) quantifies that amount of light which falls onto an object.

By either measure, digital signage can create significant problems. "During daylight, an unlit static billboard will have a brightness which "fits in" with its surroundings; it will not cause excessive distraction because of excessive luminance" (Carhart, 2010, p.4). But, to capture drivers' attention, digital signs must be set to very high luminance levels, as they are essentially competing with the sun, which has a luminance level of 6,500 nits. If this extreme brightness is not modulated to fit nighttime conditions, we face issues including very high energy consumption during the day, light pollution in the evening, and potential driver distraction at all times. The OAAA (Outdoor Advertising Association of America) has guidelines to address brightness limits, but they are not mandated.



This sign (above) gives off light. Its **Luminance** is measured in **nits**.



This sign (above) is being lit by a light source. Its **Illuminance** is measured in **footcandles**.

¹ **Light trespass** occurs when unwanted light enters one's property, for instance, by shining over a neighbor's fence. A common light trespass **problem** occurs when a strong light enters the window of one's home from the outside

² **Nit**—term used to describe a metric unit of luminance. It is defined as candela per square meter (cd/m^2). The unit is based on the candela, the modern metric unit of luminous intensity; and the square meter.

³ **Footcandle** – Unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), and measurable with an illuminance meter, a.k.a. light meter.

Observed and Recommended Levels of Brightness		
Information Source	Product type	Luminance (surface brightness)
(C.Luginbuhl study)	Typical Ambient Roadway Illumination	1 Nit
(C. Luginbuhl study)	Typical Floodlit Billboard	approximately 100 Nits
Digital Billboards: New Regulations for New Technology by Drew Carhart	Traditionally lit static billboards	98% were under 150 Nits, 83% were under 100 Nits (Arizona Study); 124 Nits average (New York Study)
IESNA recommendations	Recommendations for Digital Billboard Luminance	250 Nits (day), 125 Nits (night)
Outdoor Advertising Association of America (Ian Lewin Study)	Recommendations for Digital Billboard Luminance	300-350 Nits suggested (study based on light trespass readings)
Hewlett-Packard (Specifications)	47" LCD Digital Signage Display	500 Nits
Corn Digital (Specifications)	32" & 42" LCD Posters	500 Nits (32") 700 Nits (42")
Carhart study	Daytime sky (sunny)	5,000-7,000 Nits
Virginia Tech Transportation Inst.	The Sun	6,500 Nits
Senzen Top Technology Co., Ltd (specifications)	seires PH12 (14'x48' full-color LED billboard	8,000+ Nits
EraLED (Specifications)	Series P20 full-color LED billboard (assorted sizes)	8,500 Nits
ProVIDEO Billboard Panels (specifications)	Series 1515-4, 14'x48' full-color LED billboard	11,000+ Nits
Optec Displays (specifications)	model 1248, 14'x48' full-color LED billboard	11,000+ Nits
Optec Displays (specifications)	model 2040-5, 14'x48' full-color LED billboard	11,000+ Nits

Limiting Sign Brightness

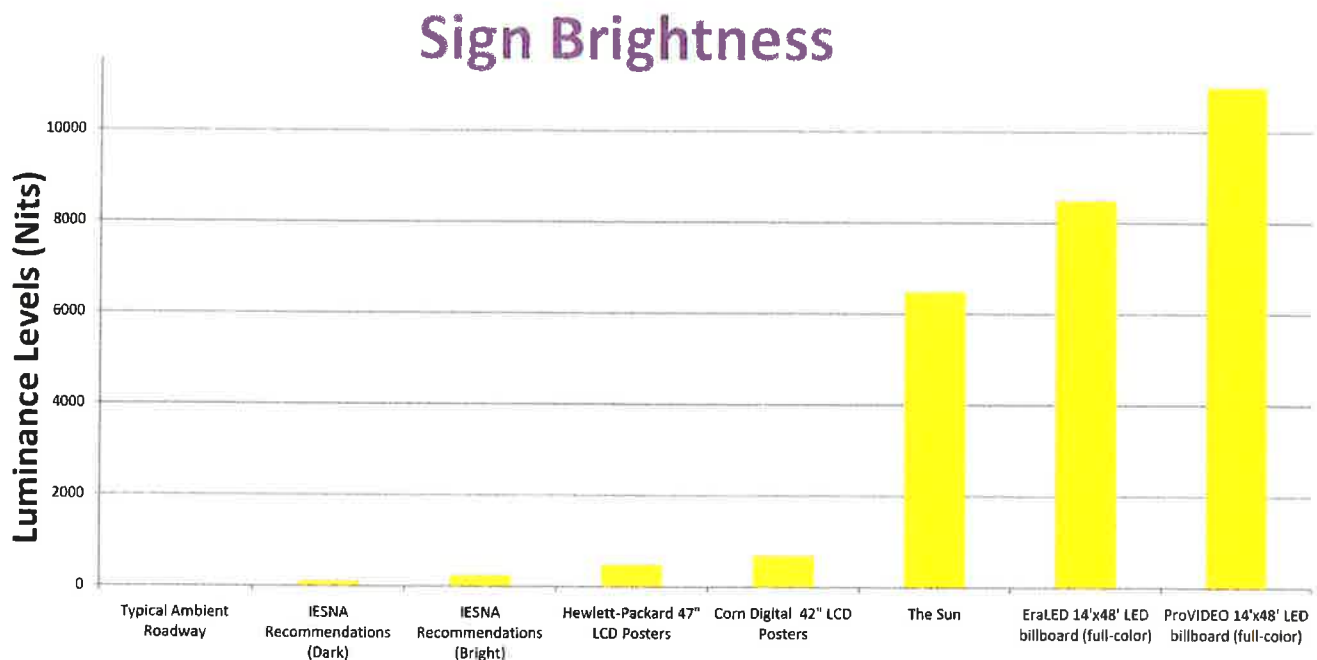
Proposed limits on sign brightness have caused much debate. Research provided by the Illuminating Engineering Society of North America (IESNA) states that drivers should be subjected to points of brightness no greater than 40 times the average brightness level of their general surroundings; this proportion is known as the contrast ratio. "As roadway lighting and automobile headlights provide ambient nighttime lighting levels of about one nit, this implies signage should appear no brighter than about 40 nits" (Luginbuhl, 2010, p.1). Surprisingly, the IESNA's own recommendations for signage luminance suggest limits between 250-1400 nits---greatly exceeding their stated maximum contrast ratio of 40:1.

The OAAA, has deemed 300-350 nits an acceptable level of night brightness. However, their guidance is based on the use of the IEEE standard for light trespass (IESNA-TM-11-00), when, for reasons of traffic safety and glare in drivers' eyes, it should have been based on IEEE's standard for roadway sign lighting (IESNA RP-19-01).

Traditionally floodlit static billboards rarely exceed 100 nits; experts on both driver distraction and light pollution recommended that, as a means of compromise, the new technologies should not exceed this value. In many areas, including Philadelphia, brightness levels are currently unregulated, and many manufacturers publicize their signs' capabilities to reach up to 11,000 nits.

Digital signage advocates mention the horizontal louvers⁴ included in many billboards as an effective measure to prevent light pollution. In reality, these louver systems were designed primarily to shade each diode from sunlight (thus increasing their prominence), not to limit nighttime glow.⁵ As Luginbuhl states in "Lighting and Astronomy," horizontal light (that which is emitted between 0° and roughly $\pm 20^\circ$, and not restricted by horizontal louvers) contributes even more to skyglow than light emitted at higher angles. The effects of lower-angle lighting---such as that used to captivate approaching drivers-- are visible over a much broader area (Carhart, 2010).

A better option is to simply operate signs at less than maximum brightness. Not surprisingly, sign brightness and energy usage are directly related; beyond reducing light pollution and distraction, lowering luminance reduces total power consumption. One manufacturer experimented with running their digital displays at half-brightness; they were able to reduce power usage by nearly 40%, while maintaining full sign readability (Noventri, see in chart). Another option for reducing unnecessary brightness (and thus power usage) is to equip signs with sensors which automatically lower light output in accordance with atmospheric conditions. For example, sign brightness would mechanically be dimmed during dusk, early morning hours, or during cloudy or overcast weather. Again, OAAA does have guidelines for dimming, but they are not mandatory.



⁴ A **louver** is a slat that is angled to keep out rain, direct sunshine, etc. The angle of the slats may be adjustable or fixed.

⁵Retrieved from <http://www.optec.com>

SIGNAGE FOUNDATION 2016 ANALYSIS

THE STATE OF SIGN CODES AFTER *REED V. TOWN OF GILBERT*

Professor Alan Weinstein holds a joint faculty appointment at Cleveland State University's Cleveland-Marshall College of Law and Maxine Goodman Levin College of Urban Affairs and also serves as Director of the Colleges' Law & Public Policy Program. Professor Weinstein is a nationally-recognized expert on planning law who lectures frequently at planning and law conferences and has over eighty publications, including books, book chapters, treatise revisions and law journal articles.



signage foundation, inc.

THE REED CASE

THE U.S. SUPREME

COURT'S JUNE 2015 DECISION

in *Reed v. Town of Gilbert* was,

undoubtedly, the most definitive and far-reaching statement that the Court has ever made regarding day-to-day regulation of signs. But the *Reed* case, while very clear about the rules that must be applied to the regulation of temporary non-commercial signs, provided only scant guidance about how courts should treat sign regulations that apply to commercial business signs or that differentiate between on-site and off-site signs. In the nine months since the *Reed* ruling, lower court decisions have begun to provide additional guidance on these questions while some questions remain unanswered.

CONTENT-BASED REGULATION OF SIGNS IS UNCONSTITUTIONAL

The rules that Justice Thomas announced in *Reed* are straightforward for non-commercial signs: a regulation that "on its face" requires consideration of the content of a sign is "content-based" and will be subjected to strict scrutiny.

Further, a regulation that is facially content-neutral could still be considered content-based if its purpose is related to the message on a sign. For example, a code provision that allowed more lawn signs for election season would be facially content-neutral but might be challenged as being justified by or have a purpose related to allowing "election campaign" messages.

A sign regulation is content-based and subject to "strict scrutiny" even if the government (i.e. local officials) did not intend to restrict speech or to favor some category of speech for benign reasons. Justice Thomas wrote, "In other words, an innocuous justification cannot transform a facially content-

based law into one that is content-neutral."

Justice Thomas specified that a content-based sign regulation (including a regulation that is facially content-neutral but justified in relation to content) is presumed to be unconstitutional and will be invalidated unless government can prove that the regulation is narrowly tailored to serve a compelling governmental interest. This is known as the "strict scrutiny" test, and few, if any, regulations survive strict scrutiny. We don't know what, if any, content-based regulations might survive strict scrutiny.

NEARLY EVERY SIGN CODE IS AFFECTED BY REED

Justice Thomas's opinion calls into question almost every sign code in this country:

Temporary Signs: Few, if any, codes have no content-based provisions under the rules announced in *Reed*. For example, almost all codes contain content-based exemptions from permit requirements (real estate signs, political and/or election signs, "holiday displays," etc.), and almost all codes also categorize temporary signs by content, and then regulate them differently. For example, a "real estate" sign can be bigger and remain longer than a "garage sale" sign. *Reed* failed to provide an answer to how we provide for the public's desire for more signage during election campaigns in a wholly content-neutral manner.

Permanent Signs: Many sign codes also have content-based provisions for permanent signs. Because the *Reed* rules consider "speaker-based" provisions to be content-based, differing treatment of signs for "educational uses" vs. "institutional uses" vs. "religious institutions" would be subject to strict scrutiny. The strict scrutiny test could also apply for differing treatment of signs for "gas stations" vs. "banks" vs. "movie theaters."

"TIME, PLACE OR MANNER" REGULATIONS ARE CONTENT-NEUTRAL, SUBJECT TO INTERMEDIATE SCRUTINY

Reed does not, however, cast doubt on the content-neutral "time, place or manner" regulations that are the majority of almost all sign codes, provided they are not justified by or have a purpose related to the message on the sign.

Justice Thomas acknowledged that point, noting that the code at issue in *Reed* "regulates many aspects of signs that have nothing to do with a sign's message: size, building materials, lighting, moving parts and portability."

Justice Alito's concurring opinion, joined by Justices Kennedy and Sotomayor, went further. While disclaiming he was providing "anything like a comprehensive list," Justice Alito noted "some rules that would not be content-based." These included rules regulating the size and

location of signs, including distinguishing between building and free-standing signs; "distinguishing between lighted and unlighted signs;" "distinguishing between signs with fixed messages and electronic signs with messages that change;" distinguishing "between the placement of signs on private and public property" and "between the placement of signs on commercial and residential property;" and rules "restricting the total number of signs allowed per mile of roadway."

But Justice Alito also approved of two rules that seem at odds with Justice Thomas's "on its face" language. Alito claimed that rules "distinguishing between on-premises and off-premises signs" and rules "imposing time restrictions on signs advertising a one-time event" would be content-neutral. But rules regarding "signs advertising a one-time event" clearly are facially content-based, as Justice Kagan noted in her opinion concurring in the judgment, and the same claim could be made regarding the on-site vs. off-site distinction.

Keep in mind, however, that even content-neutral "time, place or manner" sign regulations are subject to intermediate judicial scrutiny rather than the deferential "rational basis" scrutiny applied to regulations that do not implicate constitutional rights such as freedom of expression or religion. Intermediate scrutiny requires that government demonstrate that a sign regulation is narrowly tailored to serve a substantial government interest and leave "ample alternative avenues of communication." Because intermediate scrutiny requires only a "substantial," rather than a "compelling," government interest, courts are more likely to find that aesthetics and traffic safety meet that standard. That said, courts have struck down a number of content-neutral sign code provisions because the regulations were not "narrowly tailored" to achieve their claimed aesthetic or safety goals.

BEYOND REED

As noted previously, the Supreme Court ruling of *Reed v. Town of Gilbert* provided scant guidance about how courts should treat sign regulations that apply to commercial business signs or that differentiate between on-site and off-site signs. These issues are now being addressed in the lower federal courts, clarifying how these types of signs might be content-based and subject to strict scrutiny.

Commercial signs: To date, the federal courts have ruled unanimously that *Reed* should not be applied to regulations that affect commercial signs. The following quote from *Lamar Cent. Outdoor, LLC v. City of Los Angeles*, 2016 WL 911406, (Cal. Ct. App. Mar. 10, 2016) is typical: "*Reed* is of no help to plaintiff either.... it does not purport to eliminate the distinction between commercial and noncommercial speech. It does not

WHAT NOW?

HOW CAN CITIES RESPOND TO THESE RULINGS?

Some cities are enacting moratoria on sign regulation while they try to figure that out. A court would likely view with disfavor a total moratorium on issuing any sign permits (or, worse yet, displaying any new sign) as an unconstitutional prior restraint on speech. In contrast, a moratorium of short duration – certainly no more than 30 days – targeted at permits issued under code provisions that are questionable after *Reed* is far more likely to be upheld. Cities are also well-advised to suspend enforcement of code provisions – particularly regulation of temporary signs – that are questionable after *Reed*. Obviously, however, all sign code structural provisions directly related to public safety should continue to be enforced.

As we all know, drafting a fair and effective sign code that balances a community's interests is no easy task. Trying to do that during a short moratorium is even harder, but it is certainly not impossible.

TIPS FOR COMPLYING WITH REED

Until the courts provide more guidance on the uncertainties surrounding the *Reed* ruling, arguably the best course of action is to err on the side of allowing for less restrictive, rather than more restrictive, sign regulations.

Remove from the sign code all references to the content of a sign other than the few examples directly related to public safety noted in Justice Thomas's opinion. Most of these content-based provisions likely will relate to temporary signs. Rather than referring to "real estate" or "political" or "garage sale" signs, your code should treat these all as "yard" signs or "residential district" signs. You then regulate their number, size, location, construction and amount of time they may be displayed, keeping in mind how your residents want to use such signs. You would use the same approach for temporary signs in business districts: replace references to "Grand Opening" or "Special Sale" signs with "temporary business sign" and regulate their number, size, location, construction and amount of time they may be displayed based on business needs for such signs.

All the provisions in your code that refer to number, area, structure, location and lighting of permanent signs are content-neutral and unaffected by *Reed*.

If your code has any content-based provisions for permanent signs, either by specifying content that must (or must not) be on a sign or because you distinguish among uses (e.g., "gas station signs"), those provisions will be subject to strict scrutiny if challenged. None of these content-based provisions should be retained unless public safety would be so threatened by removal that the provision would survive strict scrutiny. Permanent signs should be regulated in a content-neutral manner with regulations distinguished not by type of use (because that would be "speaker-based") but by either zoning districts or "character" districts or by reference to street characteristics such as number of lanes or speed limit. The International Sign Association has a number of resources that can help your community revise your sign code based on the latest research, sign industry expertise and sign-user perspectives.

If your sign code does not have a severability clause and a substitution clause they should be added. A severability clause provides that if any specific language or provision in the code is found to be unconstitutional, it is the intent of the city council that the rest of the code remain valid. For example: "If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word in this code is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the code." A substitution clause allows a non-commercial message to be displayed on any sign. While *Reed* did not discuss the commercial/non-commercial distinction, prior U.S. Supreme Court cases established that commercial speech should not be favored over non-commercial speech. A substitution clause thus can safeguard you against liability that could result from mistakenly doing just that by prohibiting the display of a non-commercial message or citing it as a code violation. For example: "Signs containing non-commercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs."

involve commercial speech, and does not even mention *Central Hudson*.² The *Central Hudson* reference is to the 1980 Supreme Court ruling establishing that regulation of commercial speech should be subject to a form of intermediate scrutiny rather than strict scrutiny.

On-site vs. off-site signs: Treatment of the on-site vs. off-site distinction remains uncertain. Most courts that have addressed the issue have cited Justice Alito's concurrence as the basis for dismissing the idea that *Reed* should apply to the on-site vs. off-site distinction. But one federal district court has vigorously disagreed. In *Thomas v. Schraer*, 2015 WL 5231911 (W.D. Tenn. Sept. 8, 2015), the judge noted: "Not only is the concurrence not binding precedent, but the concurrence fails to provide any analytical background as to why an on-premise exemption would be content-neutral. The concurrence's unsupported conclusions ring hollow in light of the majority opinion's clear instruction that 'a speech regulation targeted at specific subject matter is content-based even if it does not discriminate among viewpoints within that subject matter,' citing *Reed*. Clearly, this issue remains unresolved."

Content-based exemptions: Sign regulations that contain content-based exemptions have not fared well under *Reed*. *Central Radio Co. Inc. v. City of Norfolk, Va.*, 811 F.3d 625 (4th Cir. 2016), is a good example. There, in a challenge first decided before *Reed*, the Court of Appeals had concluded that a sign regulation exempting flags, emblems and works of art was content-neutral and, applying intermediate scrutiny, held that the regulation was a constitutional exercise of the city's regulatory authority. But when the challenge was renewed after *Reed*, the Court of Appeals reversed its decision and agreed with the plaintiffs that, under *Reed*, the regulation was a content-based restriction that cannot withstand strict scrutiny. Similarly, in *Marin v. Town of Southeast*, 2015 WL 5732061 (S.D.N.Y. Sept. 30, 2015), a federal district court ruled that a regulation that exempted certain signs, but not political signs, from restrictions placed on temporary signage, was a content-based restriction that did not withstand strict scrutiny.

Content-neutral prohibitions: In contrast, courts that have ruled on challenges to content-neutral "time, place or manner" regulations after *Reed* have had little difficulty upholding the regulations. For example, in *Peterson v. Vill. of Downers Grove*, 2015 WL 8780560 (N.D. Ill. Dec. 14, 2015), the court upheld a content-neutral ban on all pointed wall signs, and in *Vosse v. The City of New York*, 2015 WL 7280226 (S.D.N.Y. Nov. 18, 2015), the court upheld a content-neutral prohibition on signs extending more than 40 feet above curb level as a reasonable "time, place or manner" restriction on speech.

IS YOUR COMMUNITY EXPLORING SIGN CODE CHANGES?

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BEST PRACTICES IN REGULATING TEMPORARY SIGNS

By Wendy E. Moeller, AICP

(Updated with *Reed v. Town of Gilbert* Supreme Court Case)

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INTRODUCTION

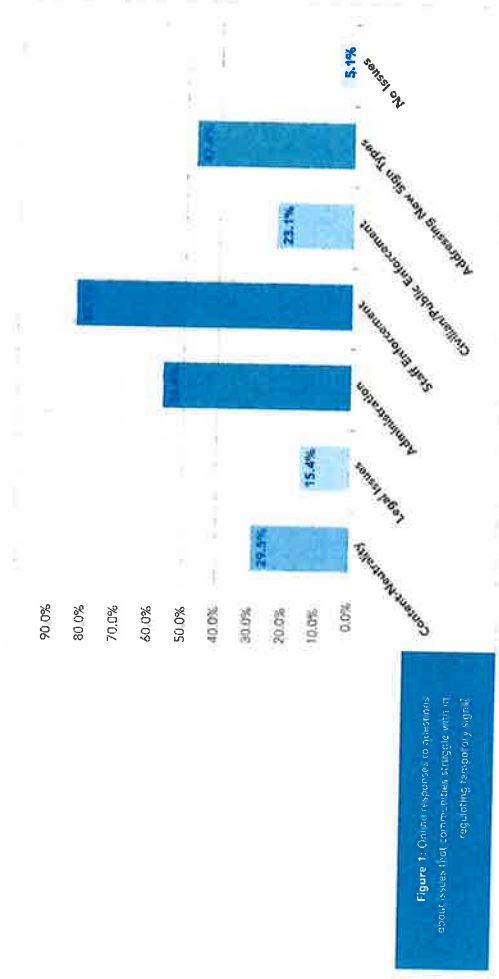
Communities seem to have a love-hate relationship with temporary signs. Most understand the need for temporary signs when it comes to things such as business promotion, identifying properties that are for sale or lease, or promoting special events, but they also struggle with the administration and enforcement of temporary signs due to the ever-changing nature of this type of sign. The purpose of this guide is to provide communities with some best practices to use when evaluating and writing temporary-sign regulations that are easier to administer and enforce, while also allowing for the reasonable use of such signage for residents and businesses alike. This guide also includes updated commentary and recommendations related to the June 2015 ruling by the Supreme Court of the United States in the *Reed vs. Town of Gilbert, Arizona* case.



DEVELOPMENT OF THIS GUIDE

This guide was developed with the help of numerous communities and organizations. An initial step in determining this guide's direction involved creating an online survey that sought information on how communities regulate temporary signs, and what issues they face in administering temporary sign regulations. Over the course of a month, representatives from more than 99 communities in 31 states responded to the survey. This information, along with a review of many of the responding communities' ordinances, provided a general understanding of common approaches to regulating temporary signs, as well as new approaches to administration and enforcement. The survey also identified where staff members struggled with temporary signs. For example, each participant was asked to identify the issues they struggle with the most regarding temporary signs (each could choose up to three issues). The 78 respondents to the question reported various issues, all of which are discussed in this guide. The biggest problems identified administration and enforcement of the regulations, as well as addressing new sign types. Only four respondents (5.1%) reported no issues and even then, one of the four still chose addressing new sign types as an issue. See [Figure 1](#).

Besides the survey, research for this guide included a review of newspaper articles and public meeting minutes where temporary sign regulations were discussed. This effort sought to identify temporary-sign issues as seen by local businesses and people affected by the regulations. These articles contributed to many of the best practices outlined in this document because often, a controversy with sign regulations triggered a larger discussion among community and business leaders to develop a solution.



WHY TEMPORARY SIGNS?

A discussion of how to regulate temporary signs must begin with an understanding of how and why temporary signs are necessary for businesses, residents, and local institutions. Generally speaking, signs are necessary to provide effective wayfinding in our communities. This is evident, because signage is everywhere, but conflict arises when discussing excessive signage or preventing signs that detract from community character. Typically, one "bad" sign can influence overall opinions about signage in general. It is not uncommon that the negative reaction to temporary signs is actually aimed at illegal signs (Figure 2) that are not used by local businesses and/or capitalize on a lack of enforcement. It is often discussions about illegal signs that lead to decisions that prohibit or severely restrict signs. This can, in turn, significantly impact local businesses, and even residents who may want to advertise a garage sale or local events, yet do not want to have to go through the red-tape of permitting.

A vast majority of survey respondents said communities regulated temporary signs for safety and aesthetics, but nearly 50% also stated they regulate temporary signs for business promotion. See Figure 3. In reviewing the ordinances, no clear distinction separated communities that regulate temporary signs for business promotion versus those that do not. The communities that said they regulated for business promotion did not clearly allow more temporary signage and, in some cases, they even had temporary sign regulations more restrictive than the majority of other ordinances. The only connection appears to be that the support of businesses and economic development was a stated purpose to the overall sign regulations. Regardless, there is a clear relationship between temporary sign regulations and the ability of businesses to advertise. There is increasing evidence that demonstrates the value of signage to both businesses and communities, and that this value also applies to the use of temporary signs.

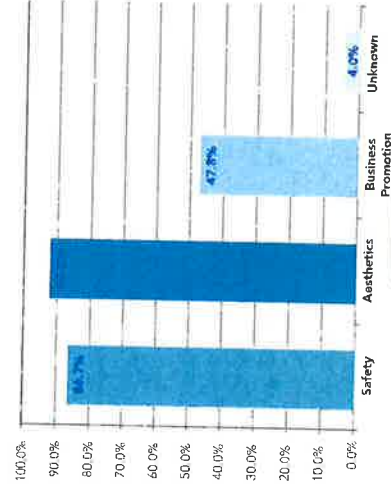


Figure 3: Online response to a question about why communities regulate temporary signs. Communities could check multiple reasons.

In the BrandSpark/Better Homes and Gardens American Shopper Study™, more than 100,000 consumers were surveyed about their household shopping activities, and more than 60.8% reported they have driven by and failed to find a business because the signage was too small or unclear. It also is evident that signage is more vital to a small business than to chains who might have a brand identity and large advertising budgets. In the temporary-sign articles discovered during the research for this guide, small businesses repeatedly noted how existing requirements or proposed restrictions impacted their business. For example, the Town of Newington, Connecticut, recently proposed a ban on temporary signs in all business districts, except in the downtown area, and small-business owners expressed concern. One small-business owner said "Any way I can draw attention to myself is absolutely necessary" and that "I do advertise, but as a small business, you have a small budget." In the 2013 case of *Fears vs. City of Sacramento*, the owners of a local gym challenged a sign regulation that prohibited them from posting a temporary sandwich board sign outside the building to advertise the gym. Although the lawsuit primarily focused on the lack of content-neutrality, the business noted in the court documents that they attracted 5-6 more walk-ins daily when the sign was posted outside. While reasonable sign regulations are important, an amicable balance will allow reasonable advertising and efficient wayfinding that, in turn, will contribute positively to the community character and economy.

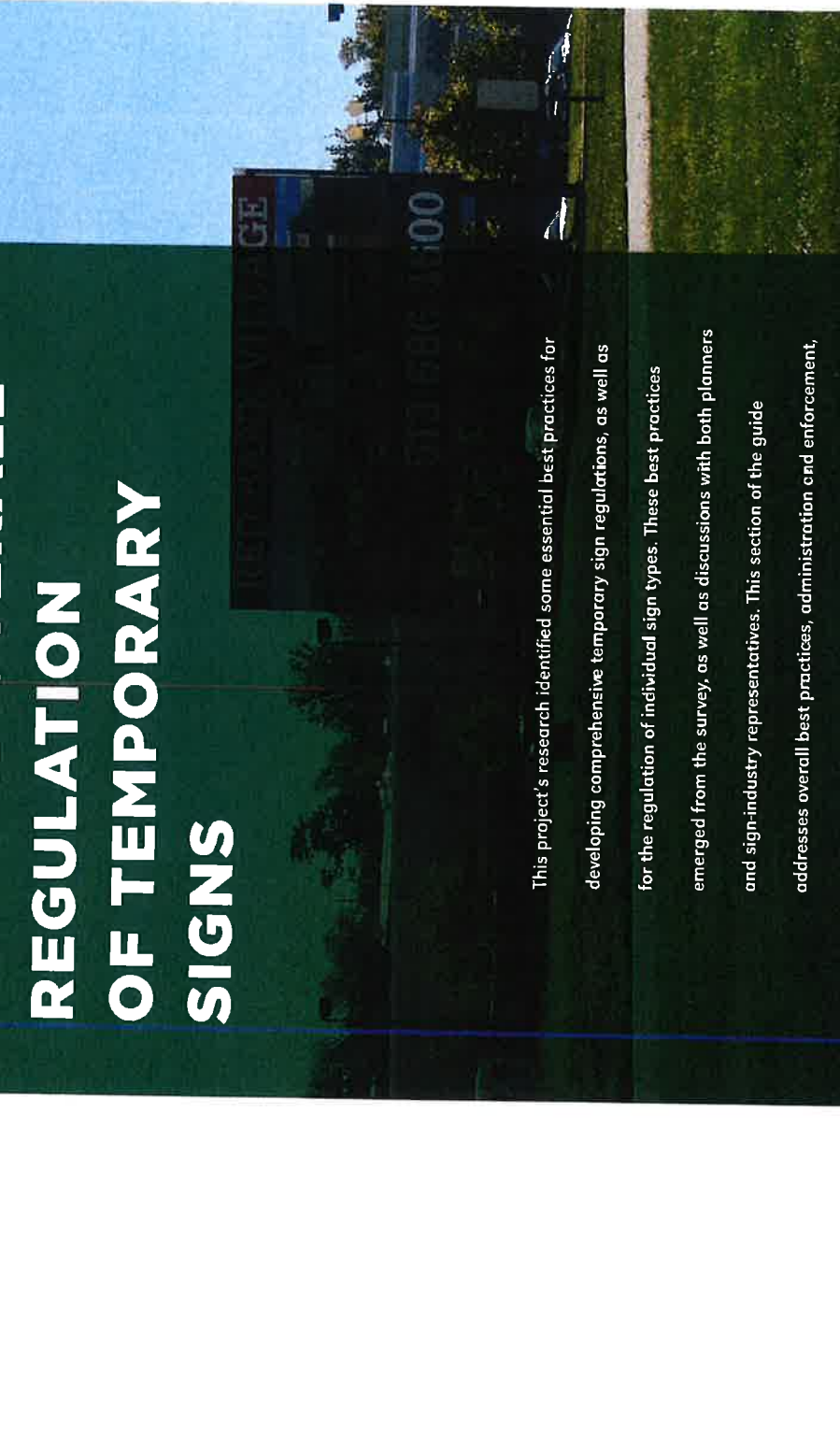
USING THIS GUIDE

This guide is not designed or intended to be a model temporary sign code that you can simply cut and paste, as a single element into a complete sign ordinance. For an effective and defensible set of sign regulations, a community needs to consider numerous variables, including the needs of local businesses, neighborhood character, and legal requirements. These variables cannot be accommodated from a one-size-fits-all model code. Instead, this guide suggests best practices, or things to consider, when updating your sign regulations to address temporary signs. These best practices are divided into two major sections: considerations when evaluating the overall temporary sign regulations, and best practices that apply to individual sign types. This approach allows better evaluation of the optimal regulation of temporary signs based on a community's individual needs.

Just as communities can vary greatly in their goals and character, so can sign regulations. This guide recognizes that, while in the past, sign-related case law has varied state-by-state and court-by-court, the U.S. Supreme Court's decision in *Reed v. Town of Gilbert*, Arizona now applies a more uniform standard of absolute content-neutrality to all temporary signs. Although this guide briefly discusses temporary-sign law, and includes a list of resources to help create a legally defensible set of sign regulations, it does not provide any legal opinions. **Always seek local, legal advice pertaining to local, state, and federal laws while updating your sign regulations.**

¹ Kellaris, James J. (2011). "100,000 Shoppers Can't Be Wrong: Signage Communication Evidence from the BrandSpark International Grocery Shopper Survey." *The Science of Signage: Proceedings of the National Signage Research & Education Conference*, Sign Research Foundation, Cincinnati, October 12-13, 2011.

² Hoffman, Christopher, "Business Group Rollies Again Proposed Ban on Temporary Signs in Newington," *Hartford Courant*, July 31, 2014.

A photograph of a road construction site. In the foreground, a large green temporary sign is partially visible, with the word 'VILLAGE' and some numbers on it. The background shows a road with a car, trees, and a clear blue sky.

BEST PRACTICES FOR THE OVERALL REGULATION OF TEMPORARY SIGNS

This project's research identified some essential best practices for developing comprehensive temporary sign regulations, as well as for the regulation of individual sign types. These best practices emerged from the survey, as well as discussions with both planners and sign-industry representatives. This section of the guide addresses overall best practices, administration and enforcement, and addressing new sign types as part of the overall regulation of temporary signs.

GENERAL PRACTICES

Make a clear distinction between a temporary sign and a temporary message.

There is a significant gray area when it comes to making a distinction between a temporary sign and a temporary message. A temporary sign is a portable structure that is intended to be used for a brief period of time. A temporary message does not have a structure in and of itself. It is a message that may be changed manually or digitally as part of a permanent sign structure. For example, electronic message centers are permanent signs that display temporary messages at set intervals. Similarly, communities often allow for signage on permanent structures such as light poles (See Figure 4.) or fuel pumps, where there is a permanent support structure for a temporary message. Conversely, in an equal number of examples, as shown in Figure 5, a sign owner may attach a temporary sign to a permanent structure. In these cases, the temporary sign is an independent structure temporarily attached to a permanent structure that was not intended to accommodate the sign and, quite often, communities prohibit this additional signage. Such signage should be regulated as a temporary sign, whereas temporary messages on permanent structures should be regulated as a permanent sign with allowances for temporary message changes.



Figure 4: An example of a temporary message attached to a permanent structure that should be regulated as a permanent sign, with allowances for temporary message changes.



Figure 5: An example of a temporary sign that is attached to a permanent structure and should be regulated as a permanent sign, with allowances for temporary message changes.

Evaluate the regulation of temporary signs as part of an overall review of your sign regulations.

Both permanent and temporary signs are important and have a place in each community, but it is nearly impossible to address them as separate and distinct issues. Communities should always evaluate signage in a comprehensive manner. As part of such comprehensive review, the community can first develop a strong purpose statement and set of objectives. This type of evaluation will also allow the community to identify potential conflicts between the standards and the stated purpose of the regulations. For example, if a community goal is to limit temporary signage, but promoting local businesses is an essential purpose of the regulations, then expanding the permanent sign allowances could be the compromise (e.g., increased permanent signage area or allowance for digital message centers). It is also important to try to eliminate any unintended conflicts between temporary and permanent sign regulations. For example, communities that focus on limiting the size and height of permanent signs due to aesthetics may unintentionally end up allowing much larger temporary signs. For example, [Figure 6](#) illustrates a conflict where a temporary sign has better visibility and legibility than an adjacent permanent sign. Would a larger permanent sign create any more negative impact on aesthetics than the temporary sign? In fact, the larger real-estate sign's better visibility and legibility would likely enhance traffic safety, an important purpose for regulating signage.

When updating your regulations, test how the provisions for permanent and temporary signs would apply to existing development sites as a way of identifying potential conflicts.

Although the *Reed* case was related to a temporary sign, the ruling itself has implications for both temporary and permanent signs. As noted earlier, there were differing opinions on the definition of "content-neutrality" prior to the ruling in the *Reed* case. Thus, the vast majority of regulations reviewed as part of the survey for this report had some level of regulations that were based on content. The most common examples were specific standards or exemptions for real-estate or election signs. In the wake of the *Reed* case, it is important that communities evaluate their sign regulations in a comprehensive manner, for the reasons identified in this section, but also to address any content-based regulations.



Figure 6: Apparent conflicts in regulating temporary and permanent signage can undermine the purpose statement for your sign regulations.

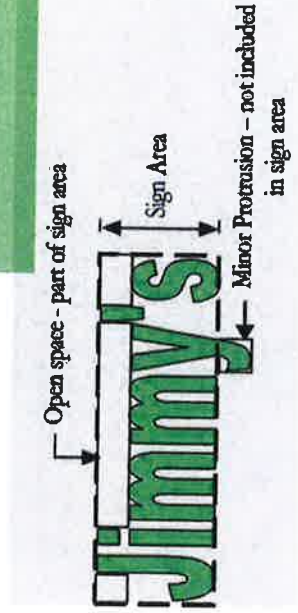
Engage all stakeholders in updating your sign regulations.

Too often, a community updates its sign regulations without querying business owners. Using a planning commission or an appointed committee has the tendency to result in heavy influence from residents who may not fully understand the need and/or benefit of temporary signs. Signage impacts both residential and business areas, but the biggest sign controversies stem from situations where businesses believe the local government is being too heavy handed. Prevent this situation by engaging a cross-section of stakeholders, including residents, local business owners and tenants, county board of elections, and members from the chamber of commerce and local sign industry when updating your temporary sign regulations. Such a group can establish the overall goals and priorities for sign regulations and find common ground. Local businesses can explain how proposed regulations can benefit or hurt the local economy through the regulation of both temporary and permanent signs. Local business representation will also help create stronger support for regulations that are easier to enforce and administer.

Be practical in sign area calculations.

The method of calculating the total sign area greatly impacts temporary signs and legibility. Tight restrictions can unintentionally prevent unique or creative signage. Measuring freestanding signs is fairly straightforward, due to their defined shape, but regulating window signs, without a defined background, can be more challenging. Some communities are beginning to distinguish between signs with a distinct background and those without. In the latter situation, the measurement should not include open or blank space. Multiple examples of this approach are referenced in the model sign codes listed in the "Additional Reading" section of this guide.

Figure 7: Sign-area calculation from *A Framework for On-Premise Sign Regulations* that illustrates an example of a practical sign-area calculation that allow for more design flexibility and enhanced legibility. A link is available in the Additional Reading section.



Avoid sign allowances shared between temporary and permanent signs.

Some communities have attempted to simplify allowable sign area by ignoring the differences in temporary and permanent signage and simply allowing "X" amount of signage. However, this can actually create an administrative nightmare because recalculations will be required every time the owner wants to make a change to the temporary or permanent signage. Second, if the total amount of sign area allowed is very restrictive, the permanent signs may be too small in terms of legibility, and any temporary sign may become quasi-permanent to compensate for insufficient advertising options. Such issues are only compounded for multi-tenant buildings. The "total overall sign area" approach may make it necessary to exceed best-practice parameters elsewhere. An alternative is to clearly distinguish the total area allowed for permanent signs separately from the total area allowed for temporary signs.

One approach communities are taking to ensure content-neutrality after the *Read* decision is to establish a maximum amount of temporary, commercial speech sign area that is allowed year round, in individual zoning districts. This year-round signage is typically restricted to limited types of temporary sign structures (e.g., freestanding/yard signs or banners) with further restrictions to the number, height, and location of the individual sign structure type. The amount and type of signage allowed will vary based on individual zoning districts and the scale, form, and context of development, but is designed to allow for the most common temporary signs found in a community including those types of signs we have traditionally called real-estate signs or business information signs (e.g., open or closed signs). In addition to the temporary signage that is allowed year-round, communities often allow for some additional temporary signage for a specified amount of time, and a specified number of occurrences per year (e.g., up to 14 days, four times a year), based on the allowed sign type. Again, the community needs to specify the type of temporary sign structure allowed which, in these situations, may include an expanded list of allowable sign structures including those that are often less popular such as balloons, air graphics, human signs, or portable message centers. For all types of sign types allowed, the community should include any standards specific to that sign type, including, but not limited to, setbacks, maximum heights, maximum numbers, and separation distances.

Consider allowing temporary signage as an interim-sign option.

Some communities establish special provisions for temporary signs that may be used by new businesses as an interim sign until permanent signage can be installed. For example, the regulations might allow for a temporary banner until a permanent wall sign can be installed. This often happens when there is potential for a change in occupancy (e.g., a multi-tenant building), and the old signage will not be removed until the new signage is ready. Additionally, the temporary-sign option can be used when the permanent sign is destroyed. In such cases, a time limit of 60 days should be sufficient, and the new permanent sign would immediately replace the temporary sign. A few communities even allow temporary signs for new businesses, for a period of up to six months, to allow testing of different signage options before designing the permanent sign. In such cases, the type of temporary sign should be specified with banners and yard signs being the most common examples of temporary signs allowed as an interim option.



Figure 6: This temporary banner signage would act as an interim sign until a permanent wall sign could be installed. It is a temporary sign for the prepared permanent wall sign.

Avoid treating all temporary signs the same.

Sign ordinances can often be lengthy documents that lay out the rules for every conceivable type of sign type and/or situation. Typically, permanent signs are the focus of the regulations, with minimal thought given to temporary signs. Many communities subsequently want to simplify temporary-sign regulations by establishing a single time limit that applies to all temporary signs but then only allow for banner signs and freestanding/yard signs. Administratively, this seems wise, but temporary signs serve varied purposes and therefore demand different treatment, based on the type of sign. Communities need to allow all property owners some allowance for temporary signage year-round to accommodate activities such as the sale or lease of land that are often long-term. For year-round signage, it is not unreasonable to strictly limit the types of signs allowed to the most common types of banner or freestanding/yard signs. The problem is that a community needs to consider that there will always be special events or activities that warrant additional signage, but on a restricted time frame. For temporary signs that will only be allowed for limited time periods, consider allowing for an expanded list of sign types to give property owners more options.



Figure 9: Many communities are willing to provide for the possibility of using balloon signs as long as they are not used year-round. These may be a sign type that your community restricts to a certain number of days per year.



Figure 10: Freestanding signs are often allowed year-round to provide for property owners the ability to accommodate community organizations and special events, but are often restricted to only a few days of the year.

Consider the context of a sign's location.

As with permanent signs, the neighborhood and street context will typically drive the types of signs used or desired by businesses. In writing your regulations, consider the different characteristics of your community's residential and business activity areas to define the types and sizes of signs within zoning districts.

- **Downtowns and high-density urban areas** tend to have more foot traffic, so there is typically more demand for banners and sidewalk signs.
- **Suburban or rural areas, or high-traffic streets and highways**, typically require larger and taller signage for good visibility, so there tends to be more demand for yard signs, blade signs, and banners that are visible to drivers, rather than pedestrians.
- **Many types of temporary signs** are prohibited in historic districts, including banners or pennants, but sidewalk signs, window signs, and other types are traditionally allowed.

An increasing number of communities are also using form-based codes that focus on building form and the relationship between public and private areas, as compared to a focus on the use of land. These codes provide an opportunity to also write sign regulations specific to the form of development.



Figure 11: Signs in a downtown environment tend to be smaller in size and height.



Figure 12: Signs along major highways or interchanges need to be larger to allow drivers to catch a glimpse of them along the highway.

Consider allowing off-premise temporary signs.

Many sign regulations prohibit all off-premise signs to prevent billboards, without any exceptions. Temporary signs often advertise off-premise special events or activities, such as local community festivals, recreational opportunities, and even business events, such as farmer's markets. Provided the temporary-sign regulations clearly establish sign area, height, duration, and even the number of signs, off-premise temporary signs should pose no threat. The only caveat is mandating the landowner's approval for off-premise signs. It is also appropriate to establish what types of temporary signs can be on-premise or off-premise.

While the decision in the *Reed* case helped clarify what was once differing opinions about the definition of content-neutrality in the lower courts, it has raised other questions as to whether sign regulations that distinguish between on-premise versus off-premise signs and commercial speech versus noncommercial speech are content-based. Since the ruling in the *Reed* case, several lower courts have heard cases on such questions, and thus far the majority of court decisions favor viewing these distinctions as content neutral based on Supreme Court rulings prior to *Reed*. In updating sign regulations, you should work with legal counsel to consider any potential risks in making these distinctions as well as any rulings within applicable state or federal courts.



Avoid prohibiting all signs in rights-of-way.

In the survey, approximately 73% of the communities stated they do not allow signs in any right-of-way. The other 27% limit them to situations like sidewalk signs or where pre-empted by state law. Most communities want to limit signs in rights-of-way largely for safety and visibility reasons, and because public spaces are not traditionally an appropriate location for private commercial advertising. The problem is that some limited signage in the right-of-way can provide effective marketing and add to the atmosphere, such as along sidewalks in pedestrian-focused areas. While defining a sidewalk sign in a content-neutral manner is simple enough, the *Reed* decision has made it difficult to make exceptions, such as temporary signs in certain right-of-ways rather than others. If your community does want to allow for some limited signage on sidewalks, consider an approach of allowing a temporary sidewalk sign (e.g., A-frame or T-frame sign) on any public sidewalk that has a width sufficient to accommodate the sign and clear passage of pedestrians (e.g., four feet of clearance). Most communities only have sidewalks of this width in more compact areas, such as downtown, so a similar sign would not be allowed where there are narrow sidewalk widths. Be sure to involve the state and county transportation departments and/or engineers in discussions related to signs in the right-of-way. Their departments may be affected, and they may be able to assist in crafting tailored regulations to individual situations.



Be cautious when limiting the number of temporary signs.

Placing a limit on the total number of temporary signs permitted on any one site can be tricky due to a number of variables. Some courts have found this as potentially limiting to our freedom of speech when regulating noncommercial speech. For commercial signs, the variables include the number of tenants on a property, the types of temporary signs allowed, and the amount and type of permanent signage allowed. If limits are desired, consider putting a cap on individual sign types, with allowances for a temporary, wall-hung banner for each tenant, and limits on the number of freestanding temporary signs on a single property at any one time. Most communities, however, exempt temporary signs on lots for sale or lease, or signs that contain noncommercial speech signs from these types of regulations.

Be specific about when illumination of temporary signs is allowed or prohibited.

Communities commonly prohibit the illumination of all temporary signs, but this may minimize the effectiveness of specific types of temporary signs that may otherwise be allowed. For example, many advertising murals, banner signs used for the interim covering of permanent signs, portable message centers, projected-image signs, and light or support pole banners are illuminated either internally or externally. It is important, when considering the types of temporary signs that your community is going to allow, to also determine if it is reasonable to allow some limited illumination, typically based on the type and size of the sign, as well as the length of time the sign will be allowed. In all cases, be clear when illumination is allowed or prohibited, and if allowed, identify any applicable lighting regulations. Additionally, it will be important to cross-reference any building or electrical-code requirements (e.g., requirements for burial of any conduit) that may be applicable.

Visibility issues that apply to permanent signs also apply to temporary signs.

An extensive amount of recent research has linked sign visibility and legibility with safety. Some studies have focused on electronic signs, while others have focused on design implications, such as sign location, color contrast, and sign orientation. The same design principles that affect the visibility and legibility of permanent signs also apply to temporary signs. The "Additional Reading" section references several recent studies and model codes that can provide additional guidance on visibility issues.



ADMINISTRATION AND ENFORCEMENT

A majority of communities who responded to the online survey cited major issues with administration and enforcement of temporary-sign regulations. While the regulations establish the rules for temporary signs, many of the following best practices focus on departmental policies and actions outside of the regulations, so your jurisdiction could undertake them without necessarily amending any zoning or other ordinance text.



Use technology.

All of us have benefitted from technological advances. The same can be said about zoning administration and enforcement. There are a growing number of communities who are incorporating these types technology in their day-to-day zoning administration activities. The use of technology appears to vary greatly, based on available resources, but the following are a couple of options available to most communities:

- For smaller communities with minimal resources, basic software programs, such as digital-calendar applications or electronic files, can set reminders regarding deadlines for temporary signs. As permit applications come in, staff can establish a reminder that will automatically notify the appropriate enforcement officer of the expiration dates for the signs, especially those that require permit review.
- More communities are utilizing new, Permitting-software options to facilitate obtaining permits, as well as tracking expiration dates and compliance. For example, the City of North Liberty, Iowa, utilizes a web-based, self-permitting system. The system also allows the city to track sign permits and time limits so applicants cannot apply for excessive permits. Figure 16 is a screen grab from the city's permitting website. Additionally, the city's enforcement officers have iPads with 4G internet access they can utilize while in the field to check compliance with the permitting application. Permit-software applications offer a range of pricing that makes this option available to most communities.

Temporary Sign Permit

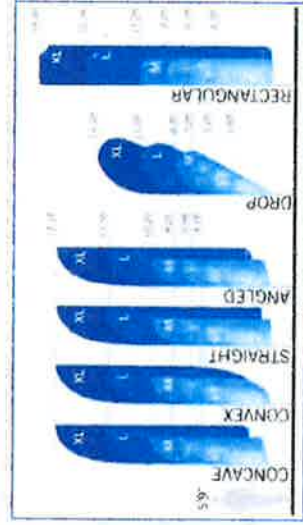
You are here: Home > Temporary Sign Permit

Type of signs permitted

Only the temporary advertising signs specified below are allowed. No other type of signage is allowed.

Permitting and enforcement

In order to expedite permitting for the signs, the City is implementing a web-based self-sign-up permit system for business owners at [northliberty.owa.gov/signpermit](#). A PDF version of this page is available for download. Owners may simply enter information there for the desired sign(s) to self-permit. It is also a resource to track sign usage, and City staff will review the list to make sure all signs in use are on the list. If a business does not have access to the self-sign-up, they may contact Dean Wheelley, Planning Director, at 606-5147 for assistance, or sign by City Hall. Citations will be issued to businesses placing signs that are not permitted.



Cost of permit

At this time there is no fee for the permit.

When signs can be placed

Signs are allowed to be displayed for up to 10 days up to 5 times per 12-month period. Owners can track their usage with the online permitting system.

Where signs can be placed

Signs may only be displayed on private property. Generally, that means behind the sidewalk. Signs placed between the sidewalk and the street will be removed by City staff.

Sign condition

Signs are to be kept in good condition and replaced when damaged or faded.

Figure 16: Image from the North Liberty, Iowa, permitting website.

Be clear when a permit is required.

Many communities require sign permits, but also have some limited exceptions for smaller signs or certain sign types. Be clear as to when a sign permit is required. Also be clear that signs that don't need permits are still subject to applicable regulations, such as signs displaying a noncommercial message. Communities should focus on requiring permits for longer signs and exempt smaller signs. Paired with a good enforcement program, exempting certain signs should not create extensive issues and will streamline administration.

Constant and consistent enforcement is necessary.

Many communities have extensive regulations, yet they lack the resources for enforcement, so it tends to be random or complaint based. Inconsistent enforcement can lead to a proliferation of illegal temporary signs, as well as a damaging perception. First, always consider what your community can actually enforce when writing the sign regulations. If you only have one enforcement officer, do not write complex regulations that cannot be enforced by a single person. Here, technology can often help. Second, several survey respondents noted they had more successful enforcement when they identified other staff/employees of the jurisdiction who, with proper training, could be an authorized enforcement officer for signage and possibly expand the timeframe (e.g., weekends) when enforcement actions could take place.



Figure 17. Authorizing more than the zoning staff to enforce sign regulations can help minimize illegal temporary signs from popping up over weekends.

Consider a sign label program.

Several communities are starting the practice of issuing a sticker, stamp, tag, decal, or some other type of label in lieu of a paper certificate. The label is applied to the sign and includes basic information, such as the applicant's name, permitted sign location, and dates when the sign can be posted. Enforcement is as simple as checking a sign for compliance. Signs without a label, or an expired date, are immediately removed, or other appropriate enforcement actions are taken. The cost of the labels is typically covered by the jurisdiction because it helps simplify enforcement.



Cooperation and education can go a long way.

Public involvement is a best practice when developing sign regulations, but public outreach should continue beyond drafting of regulations. Numerous survey respondents noted success in administering the sign regulations through educational efforts with local business groups and chambers of commerce. Planners proactively work with businesses to identify what types of signs are allowed, and the rules for the individual sign types, while also constantly listening to their feedback. Such efforts appear to reduce enforcement actions and violations. Consider working with your local county board of elections to educate potential candidates about any applicable sign laws at both the state and local level.

Maintenance regulations are important.

Temporary signs, logically, are often made with less-durable materials than those used for permanent signs. However, some temporary signs may have longevity due to lack of enforcement or by necessity, such as a sign advertising space for lease. While many owners are diligent about replacing or removing deteriorated signs, basic requirements for sign maintenance should be applied to both permanent and temporary signs.

ADDRESSING

NEW SIGN TYPES

Communities often struggle with new temporary-sign types and/or technologies. Many regulations prohibit all unspecified sign types. A better practice is to consider any new sign type or technology in terms of "similar use" language, with a longer-term solution of amending sign regulations to accommodate the new sign.

1

Treat the new sign as a similar use.

"Similar use" provisions in zoning codes provide enforcement officers with some authority to evaluate a new use based on whether it is similar in nature to another use allowed in the zoning code. If the proposed use is similar in scale, intensity, and other characteristics, the enforcement officer can typically permit the new use in accordance with the rules that apply to the similar use. This same concept can be used with temporary signs. For example, the sign in [Figure 19](#) is very similar to a banner, except it is temporarily attached to the wall with a special adhesive instead of the more traditional rope or hooks. It is considered a temporary sign because it can easily be removed when, in this example, all of the apartments are leased. A similar-use provision allows the flexibility to make this type of interpretation, and prevents the need for a text amendment in the short term. A longer-term solution is an amendment to the sign regulations to accommodate the new sign type.



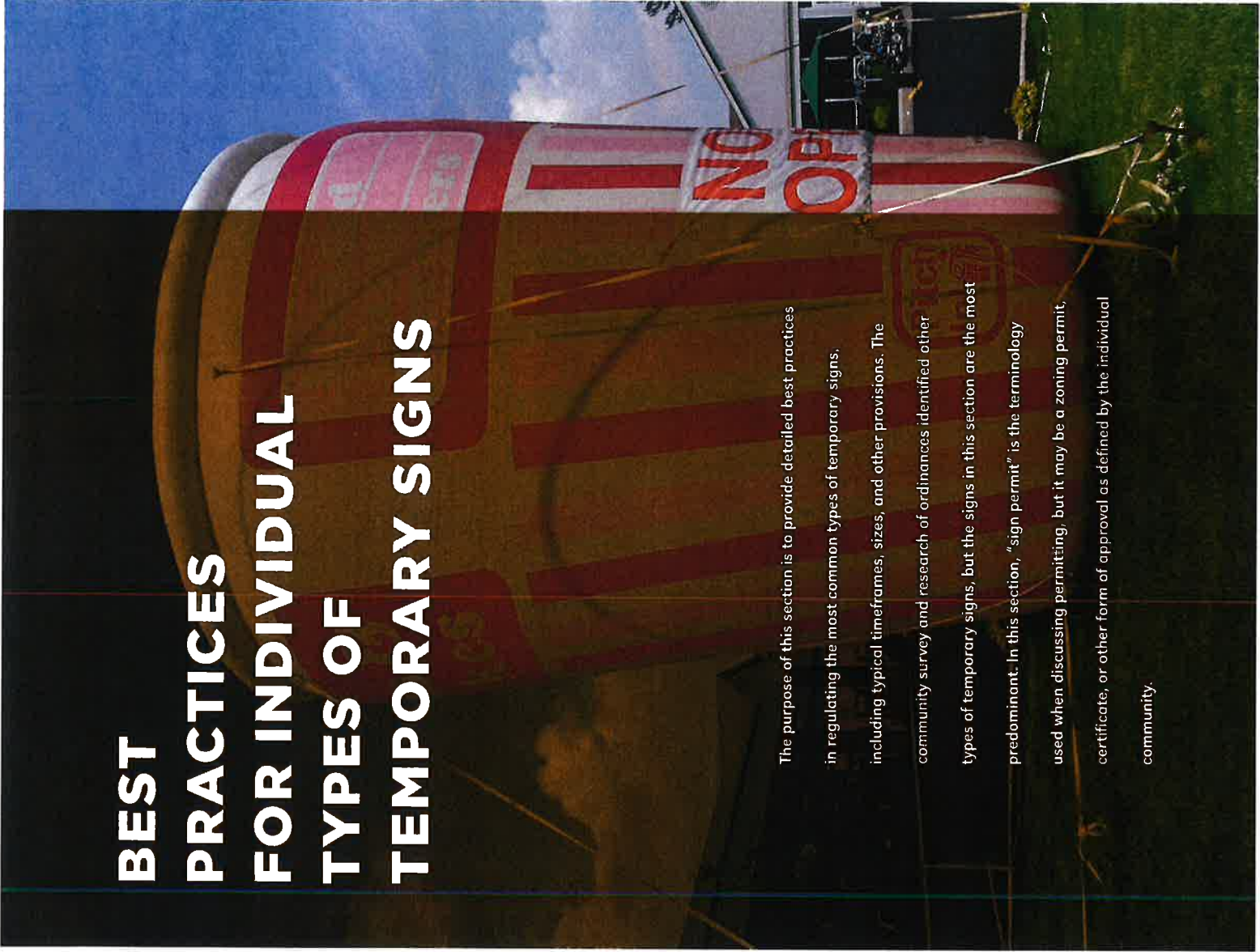
Consider whether the new sign is a temporary sign or a temporary message.

As discussed earlier, the distinction between temporary signs and temporary messages should be a part of any discussion related to addressing new sign types. If it is a permanent structure with a changeable message, the best course of action is to regulate the sign as a permanent sign.

Collaboration offers the best approach to regulating new sign types.

Engaging all stakeholders is also a best practice when considering the regulation of new sign types. When considering a text amendment to address new signs, engage the various stakeholders to discuss the purpose of the sign, and any reasonable regulations necessary to address concerns about the sign.





BEST PRACTICES FOR INDIVIDUAL TYPES OF TEMPORARY SIGNS

The purpose of this section is to provide detailed best practices

in regulating the most common types of temporary signs,

including typical timeframes, sizes, and other provisions. The

community survey and research of ordinances identified other

types of temporary signs, but the signs in this section are the most

predominant. In this section, “sign permit” is the terminology

used when discussing permitting, but it may be a zoning permit,

certificate, or other form of approval as defined by the individual

community.

ADVERTISING MURALS

Advertising murals, building wraps, or super graphics are some of the largest forms of temporary signs. While some are permanent, such as murals painted on the sides of buildings, temporary versions of these signs are popping up nationwide. Most common in downtowns and high-density urban settings, these signs can be an alternative to a blank or unfinished wall.

- Require a sign permit for the installation of an advertising mural. Communities commonly require a board-level review of advertising murals if the sign is located in a historic or other special district.
- Consider allowing both on-premise and off-premise messages for ease of administration (e.g., to be an on-premise sign would the building in [Figure 21](#) or ease of administration (e.g., to be an on-premise sign would the building in [Figure 20](#) have to contain an Apple Store? What if a tenant sold iTunes cards?). Allowing off-premise messages also allows for advertisement of both business and community interests that still may include commercial speech.
- Consider limiting the location of the signs to unfinished facades or walls devoid of windows and doors.
- Prohibit the obstruction of architectural features, windows, doors, and other points of access.
- Prohibit advertising murals from being located on the building's primary façade.
- Some communities have restrictions that prohibit the location of such signs where they will face parks, historic sites, or other major points of attraction.
- Prohibit the use of changeable-copy, electronic message centers or video displays for temporary advertising murals. Some communities have allowed minimal external illumination, but the majority prohibits any illumination.
- Time limits should be avoided, but basic maintenance standards must include removal/replacement provisions if deterioration is evident with rips, failure of anchoring, fading or discoloration, etc. In light of the overall approach to regulating temporary signs outlined in this document (i.e., a certain amount of signage allowed all year), the size of these signs will likely exceed any sign allowance given for temporary signs. For this reason, if a community wants to allow for these types of signs, whether permanent or temporary, they might want to consider identifying them as a unique type of allowed sign, with applicable standards, outside of any temporary or permanent sign requirements.
- Require that installation and anchoring should be accomplished in a manner that will not pose a risk of harm to any architectural features.



Figure 21: Example of a temporary advertising mural attached to a blank building facade.

BALLOON SIGNS & AIR-ACTIVATED GRAPHICS

Balloon signs or air-activated graphics are often used in conjunction with special events or activities and come in all shapes, sizes, and forms.

- Balloon signs and air-activated graphics are commonly restricted to on-premise signs.
- A sign permit is typically required for balloon signs and air-activated graphics, with the exception of any holiday or similar decorations.
- Require a setback that is equal to or greater than the height of the sign from all rights-of-way, lot lines, and overhead utility lines.
- For safety purposes, any balloon or air-activated graphic should be fastened to the ground or a structure so that it cannot shift more than three feet horizontally under any condition.
- Require compliance with applicable building codes because the signs often have an electrical component.
- Clarify if only balloons with no inherent movement are permitted (Figure 22), or whether there can be movement, such as an air-dancer sign as seen in Figure 23.
- Many communities do not have height limitations on these signs, but where they exist, it is typically between 20 and 35 feet.
- Balloon signs or air-activated graphics are not typically allowed year round and are often restricted to a certain number of days and occurrences per calendar year. The most common timing is for up to 14 days per occurrence, with a limit of one occurrence per calendar year.



Figure 22: A balloon sign that is fastened to the ground.



Figure 23: An air-activated graphic that includes a motor.

BANNER SIGNS

Banner signs are one of the most common types of temporary signs allowed by the vast majority of communities. These signs may be mounted on a structure or even staked in the ground in a similar manner as a freestanding sign.

General Regulations

- Banner signs may be an on-premise or off-premise sign.
- A sign permit is often required for banner signs but many communities do not require a permit for smaller banner signs.
- If the banner sign is attached to a building, it should not be displayed above the roof line. Try to avoid limiting banner signs to certain locations on a building façade (e.g., minimum height or setback from edges) because this potentially prohibits logical locations, such as hanging banners from balconies or fencing around enclosed areas.
- Be clear as to where banner signs may be placed (e.g., on a structure, in landscaping, in a buffer yard, etc.).
- Banner signs can easily be attached to buildings, fences, structures, or mounted on stakes in the ground to be freestanding. In the latter case, communities may regulate a banner sign as a permitted freestanding temporary sign as discussed in later sections of this guide.
- Allow individual tenants to use a banner sign, rather than limiting the number of banner signs per property, especially if the banner signs are mounted to a structure. Otherwise, this creates difficulties for multi-tenant buildings.



Figure 24: An example of a banner sign attached to a model home.



Figure 25: This banner is used as a violation sign and is designed to give the building a negative sign.

Size

- If a banner sign is permitted as an interim-sign option, allow a banner that can be as large as the allowance for permanent wall signage, or the same size as existing signage, for the building or tenant space. This will allow the owner to cover permanent signage for a previous tenant and/or use signage of a similar size as the permanent sign that will replace the banner.
- Temporary banner signs are typically limited to a maximum area of 32 square feet. If ground mounted, a banner sign should not be mounted so as to be more than four to six feet tall.
- Some communities allow larger banners, equal to the total amount of permanent wall signage allowed for the same business, to keep the regulations simple. A height requirement is usually established for ground-mounted banners, but not for structure-mounted banners. This approach is most beneficial if your community has numerous large-scale developments with long setbacks.

Timing

- For an interim-sign option, allow a banner sign when a business is new, or there is a change in occupancy, and the permanent sign has not been installed. The banner sign should be allowed for at least 60 days or until the permanent signage is installed, whichever is less.
- Banner signs are often a type of temporary sign that might be allowed year-round. It is also a type that communities allow as additional signage but limited to a certain number of days and occurrences per calendar year. For the latter, banner signs are typically allowed for a maximum of 14 to 30 days per occurrence, up to four times per calendar year. With shorter time periods (e.g., 14 days), consider allowing at least two consecutive occurrences to accommodate longer-term needs.



Figure 26: An example of a temporary, ground-mounted banner.



Figure 27: A banner sign is sometimes used in association with temporary looks that even extend typical temporary sign time limits.

BLADE SIGNS

Blade signs are a relatively new type of temporary sign. Available in numerous shapes, they are often named accordingly (e.g., feather sign, teardrop flag, rectangle flag, etc.).

General Provisions

- Blade signs are commonly restricted to on-premise signs.
- A sign permit is typically required for blade signs.
- Allow all shapes of blade signs, with a focus on the size standards discussed below.
- Most communities require these signs be set back from rights-of-way, lot lines, and overhead utilities, but there are a number of communities that allow these signs in tree lawns and rights-of-way. In all cases, the signs should be set back from intersections to protect clear visibility. A typical setback equals the height of the sign.
- The signs should be securely anchored into the ground or secured in a portable base designed for such function.
- Allow one sign per 50 feet of street frontage with a maximum of three or four signs per each frontage. This will allow for the reasonable use of such signs while preventing situations such as shown in [Figure 28](#).



Figure 28. A typical ground mounted blade sign



Figure 2b: Negative reactions often occur when there is an excessive use of temporary signs, regardless of type.

Size

- Because of the variety of available shapes, blade signs are best regulated by a maximum height and width. The height should be measured from grade and include the full length of the supporting pole. This approach allows design flexibility and lessens the need to calculate sign area based on the actual sign shape.
- Allowing a sign up to 3.5 feet in width (at the widest point) and up to 18 feet in height will accommodate most medium to large-size blade/feather signs.

Timing

- There are two common approaches to allowing blade signs. Some communities treat them like sidewalk signs, where one sign is allowed only during business hours. Other communities treat blade signs like banner signs. In these cases, the signs are only allowed on a limited basis that is typically for 14 to 30 days per occurrence, up to four times per calendar year. With shorter time periods (e.g., 14 days), consider allowing at least two consecutive occurrences to accommodate longer-term needs.

FREESTANDING/YARD SIGNS

Freestanding signs or yard signs are the one type of temporary sign that is almost universally permitted in some form. These signs are used for all most every purpose including commercial and noncommercial speech. The following best practices apply to traditional yard signs, but not signs found on sidewalks, either public or private, which are discussed later in this section.

- Almost every community establishes some setbacks from the right-of-way for freestanding/yard temporary signs, but the setbacks vary tremendously depending on street capacity, street width, and other variables. The majority of required setbacks for these signs range from 5 to 25 feet. These signs also are typically prohibited in close proximity to intersections to maintain safe visibility. Keep in mind that the setbacks should be designed in context with the character of the neighborhood or zoning district, with shorter setbacks appropriate in higher-density neighborhoods.
- In nonresidential districts, many communities allow smaller, residential-scale temporary signs (e.g., maximum of eight square feet and 4 to 6 feet in height) in addition to the larger temporary signs, with a maximum of one additional small sign per business or tenant. This accommodates temporary signage for multi-tenant buildings, especially if your community restricts the number of large temporary signs per property.
- Typically, communities do not require a permit for a temporary sign that is less than 6 to 8 square feet in area, provided the sign complies with any stated requirements (e.g., setbacks, height, etc.).



Figure 30: Signs on larger properties tend to be taller and have a larger sign area to allow for clear visibility and legibility.

- The maximum sign area (per face) and maximum height also vary by the intensity of the use and, often street frontage or, in a few communities, based on the street design.

1.

In single-family residential districts, the maximum sign area is typically 8 square feet with a maximum height of 4 to 6 feet. Many communities limit temporary yard signs (commercial speech) to one or two signs per yard at any one time. This allows the occupant (or owner) to display signs containing such commonly-used messages as "for sale," "garage sale," etc., or a message about a community event.

2.

For all other zoning districts, one temporary commercial yard sign is allowed under the following size and height requirements:

2.1

For lots with less than 100 feet of frontage, the maximum sign area is typically between 16 and 20 square feet with a maximum height of 6 feet.

2.2

For lots with more than 100 feet of frontage, the maximum sign area is typically between 30 and 36 square feet and a maximum height of 8 feet.

2.3

For lots with more than 500 feet of frontage or with frontage along an interstate or limited-access highway, the maximum sign area is typically between 64 and 72 square feet with a maximum height of 10 feet. Some communities offer the option of utilizing two signs on this frontage, with a total allowance of 64 to 72 square feet.

Timing

Prior to the *Reed* case, many communities specified time limits based on specific, on-premise activities (e.g., special event, property for sale, project under construction, etc.). The decision in the *Reed* case has made it difficult to make such exceptions and remain content-neutral. For communities that establish provisions for year-round, temporary signage, freestanding/yard signs are often a type of temporary sign that might be allowed year-round. It is also a type that communities allow as additional signage but limited to a certain number of days and occurrences per calendar year. For the freestanding/yard signs, signs are typically allowed for a maximum of 14 to 30 days per occurrence, up to four times per calendar year. With shorter time periods (e.g., 14 days), consider allowing at least two consecutive occurrences to accommodate longer-term needs.



Figure 31: This time limit typically applies to the sign structure rather than the message because sometimes a temporary sign also hosts temporary messages.



Figure 32: Longer time limits should be allowed for signs associated with temporary sales, such as farm markets, which may support farm families.

Noncommercial Speech Signs

More and more communities treat any signage related to a campaign or election, or that contains noncommercial speech, with kid gloves, and generally maintain very limited regulations. The next section contains a discussion about the legal issues related to such signage, but the following are some best practices for communities that continue to regulate these types of signs.

- Most communities do not specify what types of temporary signs may be used, but where it is specified, the most common types allowed are freestanding/yard signs and banners.
- Consult with your local legal counsel on applicable state and case law to your jurisdiction. Your community may also want to consider the use of a substitution clause. Such clauses state that wherever a sign (with commercial speech) is allowed, the message on such sign may be replaced, or substituted, with a noncommercial message.
- Many states have rules and regulations that apply to what is commonly referred to as election signs. In some cases, those signs might be allowed in the right-of-way, regardless of local rules, or in other cases, may only be allowed for a certain number of days before and after the election. Where the state does have special rules, your local community should avoid duplicating those standards in their own ordinances, especially if they are content based, and leave any of the sign administration and enforcement to the state.

- Keep in mind that not all free-speech signs are related to an election, so there has to be protection of freedom of speech and expression year round (e.g., dealing with temporary signs that express opinions beyond the election issues or candidates). Many communities have basic standards for any temporary sign that does not contain a commercial message, which regulate setbacks and heights for visibility and other safety concerns, but are otherwise hands-off on the number and size of the sign.
- Commonly allowed sign areas are usually a maximum of 6 to 8 feet for residential properties and a maximum of 32 square feet for nonresidential properties. Several states have rules that exempt such signage and requirements from zoning and, as such, maximum sign-area requirements will not apply.



Figure 33. This sign has a message that expresses an opinion unrelated to an election and is a form of protected speech.

LIGHT POLE OR SUPPORT POLE BANNERS

Signs on light poles or other support poles are often treated as temporary signs, even though the pole is permanent and might include permanent posts or structural elements that hold a temporary banner or sign. Regardless, this type of signage is commonly used, but not necessarily addressed in most sign regulations. The following best practices are for such signs, regardless of whether your jurisdiction treats them as permanent or temporary signs.

- Require a sign permit for the initial installation of the permanent structure, but allow message changes without an additional permit.
- Prohibit the attachment of any other temporary signs to the structure.
- Allow for a maximum of two temporary banners on each pole.
- Communities often allow anywhere from 12 to 16 square feet of sign area for each pole. If there are two separate messages, that area would be split in two. Some communities also limit the total amount of temporary signs or messages allowed on such structures to prevent signs on all light or support poles.
- Prohibit the posting of any temporary sign or message above the height of the structure.
- If the permanent structure is designed to accommodate a temporary sign or message, allow for the temporary message to be posted year round without limitations on how often the message is changed.
- Prohibit the use of electronic message centers, changeable-copy signs, and internal lighting.



Figure 34.1 Permanent light pole with temporary sign components

PEOPLE SIGNS

People signs, an increasingly popular form of signage, may also be referred to as human signs, sign spinners, or mascot signs. Communities are struggling to establish the best way to regulate people signs because some are concerned about encroaching on First Amendment rights, while others still feel it is signage. Even more legal issues arise when the person is dressed in costume and may or may not be holding a sign. These are all part of the legal discussion that needs to take place when considering regulations for these types of signs.

- As with all political/noncommercial speech issues, it is best to work with legal counsel when considering regulations.
- Where people signs are allowed, most of the communities maintain minimal regulations including:
 - • Prohibiting the person from obstructing sidewalks or standing in the right-of-way;
 - • Requiring that the signage be related to a business or activity that is on the same premises as where the person is located; and
 - • Where there is a sign-area calculation, the sign area is typically measured by the actual message or sign the person is holding (e.g., would not apply to someone that is dressed in costume). Most communities allow for a maximum sign area equal to a small banner or freestanding sign.
- Some communities require a permit while others do not, as long as they meet all the established requirements.
- Numerous communities are establishing a maximum number of one person sign per property.
- Communities typically limit the timing for person signs to the same timing allowed for temporary banners or large freestanding signs. As listed in previous discussions, this time limit is usually a maximum of 14 to 30 days per occurrence, up to four times per calendar year, with the ability to use at least two of the occurrences consecutively.

People signs are likely to be something that will be challenged in court more often in the near future because there has not been any clear determination about whether or not they are a sign. There are already a number of court decisions across the U.S. that have involved what is defined in this report as a people sign, with varied results.



Figure 35: People signs, or sign spinners, are becoming a more prevalent form of temporary signage.

PORTABLE MESSAGE CENTER SIGNS

Portable message centers are temporary sign structures that historically have had manual changeable copy. Modern versions of this sign now contain electronic message centers, which are essentially the same as permanent electronic message centers, but are attached to a trailer or vehicle.

- These signs traditionally require a sign permit.
- Some communities require a portable message center sign to be an on-premise sign, but, at the same time, they are often used in advertising for off-premise events and activities. As such, it is important to be cautious with prohibiting off-premise signs if it would be acceptable to use a portable signage for community events, etc.
- These signs traditionally have some type of changeable copy, whether manual or electronic. Electronic versions are often used by businesses to test out a digital sign before installing a permanent electronic message center. They are also commonly used for festivals, fairs, concerts, sporting events, and other large events.
- Any electronic message center should comply with your local regulations related to electronic messages, including message hold times, transition times, and brightness. The most common message hold time is 8 seconds (with many communities below that time), with transition times being less than one second, and nighttime brightness levels at 0.3 footcandles above ambient lighting.
- The sign may be attached to a trailer chassis or other vehicle or may simply be portable, as shown in [Figure 36](#). In all cases, the sign must be anchored securely to the ground.
- A maximum sign area of 32 square feet will accommodate a typical portable message center sign with changeable copy. Some communities are allowing as much as 48 square feet if there is a digital signage component. The maximum height should be six feet.
- Only one sign is usually allowed on an individual property at any one time, typically for a maximum of 14 to 30 days, one time per calendar year.



Figure 36: Examples of portable message centers



Figure 37: Various examples of digital, portable message centers that are mounted on a chassis in a truck bed

PROJECTED-IMAGE SIGNS

Laser light or projected-image signs are another new sign type that is increasingly used in advertising. These signs use technology to project an image, logo, or other graphic on buildings, structures, sidewalks, or other surfaces. The image itself has no physical structure but it still can be considered a sign.

- A sign permit is typically required for projected-image signs with the exception of any holiday or similar decorations.
- Setbacks are not necessary for this type of sign because the sign requires the existence of another structure where the image will be projected. Any setbacks should be applied to the structure where the sign will be visible. It may be necessary to establish a setback for the projector system if located near a right-of-way (e.g., prohibition in any visibility triangles near intersections).
- Require compliance with applicable building codes as the signs will have an electrical component.
- It is possible to project multiple images that can change in a manner similar to an electronic message center. As such, the sign should comply with your local regulations related to electronic messages, including message hold times, transition times, and brightness. The most common message hold time is 8 seconds, with transition times being less than one second.



Image Credits: This image was originally posted to Flickr by Eric Leif Edlund at <http://flickr.com/photos/4388836100/49500590> (licensed under the terms of the cc-by 2.0).

Figure 3B: Projected signage at the Walker Art Center in Minneapolis, MN

- Prohibit the projection of images onto any buildings that contain a residential use or otherwise project light into dwelling spaces.
- The maximum sign area should be calculated based on the projected-image size. Consider allowing a projected-image sign to be the same size as allowed for temporary banner signs or permanent wall signs in the applicable district.
- Require that the projector be located in a manner where it will not obstruct pedestrian movement. Some communities require that the projector be screened from view either by locating it against another structure or within a landscaping area. In these cases, the image may be visible, but the source of the image is not.

- If the projector is to be mounted in a manner that will project an image on the sidewalk or ground, require that the projector be securely mounted to a structure and that it comply with any applicable building or safety ordinances. The projector should also be mounted with at least eight feet of clearance between the ground and the projector so pedestrians may walk under the projector.
- This type of sign is becoming increasingly popular for use as temporary advertising and is often used by bars, restaurants, and entertainment venues on weekends. As such, it is important to consider enforcement capabilities when allowing such signs.



Figure 20 | Projected-image signage on the facade of a building.

SIDEWALK SIGNS

Sidewalk signs take multiple forms, including sandwich or A-frame signs, or even a freestanding sign that is secured to some form of portable base (sometimes referred to as a T-frame sign). For a long time, these types of signs were prohibited due to a commonly found prohibition of all signs in the right-of-way, but a growing number of communities now allow them in both public rights-of-way or on private sidewalks (i.e., walkways along buildings). The following are best practices relevant to any form of sidewalk sign.

- Allow for both A-frame and T-frame signs. Both cover roughly the same ground space, and the T-frame can be more stable, depending on the construction.
- While sidewalk signs are typically regulated as temporary signs, they are usually seen as a component of the permanent sign package because they are typically allowed to be displayed during business hours, 365 days a year. The best approach is to require the signs be stored when the business is closed, and avoid any limitations on the number of days the sign is allowed per year.
- Allow for sidewalk signs in any right-of-way provided that the sign is placed on the sidewalk pavement and that there remains sufficient clearance, of at least four feet, to allow for clear passage of pedestrians. Keep in mind that you might have to clarify your right-of-way rules for the allowance of sidewalk signs.



Figure 40: An A-frame or sandwich sign.



Figure 41: A T-frame sign.

- Allow one sign per business or tenant. Requiring the sign to be situated directly outside the individual business space, or within 5 to 10 feet of the entrance, will prevent the stacking of signs, such as those illustrated in Figure 41.
- Prohibit sidewalks signs from being located in any landscaping or streetscape areas.
- Be clear on whether illumination is allowed. Most communities prohibit any external or internal illumination, which should not be an issue if the sign is to be removed when the business is closed.

- Many of these sign types are utilized in historic or other special districts that require some level of board or special administrative review (e.g., certificate of appropriateness), but for other areas, many communities allow these types of signs in certain areas without a permit, provided they comply with all the standards.
- The most prevalent size regulation for a sidewalk sign is a maximum of 6 square feet per sign face (two feet wide by three feet high) regardless of the type of sidewalk sign. Some communities allow as much as 8 or 12 square feet, provided the sign does not exceed three feet in width.
- For safety reasons, sidewalks signs should be located so as to not obstruct pedestrian movement and maintain a minimum width of four feet of clearance (standard width of a residential sidewalk). Some communities require more clearance, depending on local and state rules.
- Sidewalk signs should also not obstruct pedestrian or handicap accessibility to buildings, emergency exits, transit stops, or parking spaces.



Figure 42: The stacking of multiple sidewalk signs can be avoided without taking away the benefit of additional signage.



Figure 43a: Improper placement of a sidewalk sign.



Figure 44: Proper placement of a sidewalk sign.

VEHICLE SIGNS & WRAPS

Vehicle wraps have made it easier for businesses to advertise with company cars and vehicles. This has spawned new questions and enforcement issues as it relates to vehicle signs. While not always treated as temporary signs, communities are starting to address them in sign regulations, where the focus of standards is on the parking or location of the subject rather than the size of the sign.

- Avoid requiring a permit for this type of sign. It only creates problems with administration in situations where a business expands its fleets, changes signs, or switches out vehicles.
- Avoid establishing different standards for vehicles that have different amounts of sign area on the car. Again, this increases the number of administrative and enforcement problems. For example, avoid requiring that vehicles with "x" amount of signage, park in designated areas or be set back from certain roads.
- Consider exempting the following types of vehicles with signs to address a number of situations where vehicle signage is appropriate:
 - • Legal, mobile food trucks or mobile businesses that do not have a brick and mortar store or office;
 - • Vehicles associated with a contractor or service provider where, during non-business hours, the vehicle is either parked in an industrial zoning district or in designated parking areas of the main store or office;
 - • Signs on vehicles that are for sale or lease and are parked legally in a parking space;
 - • Signs on vehicles that are regularly used for businesses (e.g., delivery vehicles) unless used in a manner otherwise prohibited in the vehicle-sign regulations;
 - • Signs that are actively used for business and/or personal transportation; or
 - • Any signage on a vehicle that is required by state or federal law.



Figure 45: Example of a sign wrap on a delivery truck used regularly during the operation of a business.



Figure 46: An empty steel trailer is being used as a sign for a construction debris dump. The vehicle is being illegally used as a buffer.

- Prohibit the parking of vehicles with signs under the following situations where the vehicles are being used for the sole purpose of creating additional signage for the business:
 - • The vehicle is not mobile (See Figure 46) and remains on site for more than one day.
 - • The vehicle is parked on a vacant property (land or structure) for more than six hours.
 - • The vehicle is parked for more than eight hours on the property so as to be visible in a similar manner (e.g., location, setback, etc.) as any permanent sign and is not regularly used for business activities.
- Keep in mind that if the subject vehicle is parked or stored illegally to begin with, regardless of the presence of a sign, the enforcement should be about the vehicle and not the sign.



Figure 47: An example of a vehicle sign used primarily as a stationary identification of advertisement sign.

WINDOW SIGNS

Window signs can be considered permanent or temporary, depending on application. For example, many restaurants use temporary peel-and-stick signs in their windows to advertise new products or sales. These signs are easy to remove and replace, whereas a permanent window sign is typically painted directly on the window or is a sign that is permanently mounted to be visible through the window. Reasonable regulations of these signs include

- Prohibit window signs on residential windows.
- Most communities do not require a permit for any type of window signage, provided it complies with any established requirements. Exceptions include window signs in historic districts or a district with special design requirements.
- When establishing regulations for window signs, discuss whether the concern is about the amount of the window that is covered, the number of signs visible, or if the message is permanent or temporary. Some communities distinguish between permanent and temporary window signs, but if the overall concern is the total coverage, such distinctions are irrelevant.
- If your local police or fire departments are concerned about visibility in the event of an emergency, you can require temporary window signs to be mounted on the outside of the window with tabs or similar methods for quick removal. This typically only applies in areas where 100% window coverage is possible (e.g., restaurants).
- While some communities place a maximum square footage on window signs, a better practice is to allow a range of 50% to 75% of any single window area to be covered by signage. This will allow for reasonable visibility into the building, something often desired and/or required by police and fire departments. At the same time, it provides some flexibility in advertising for businesses by using window space to promote goods and sales.
- Limiting the number of signs within each window space to as many as two or three signs may prevent the placement of numerous signs as illustrated in Figure 48. This may be a necessary requirement if your community allows a higher percentage of window coverage.
- For historic or special districts, it is common to restrict window signs to permanent to maintain the character of the area. If temporary window signs are allowed, the percentage of window coverage is typically reduced to between 20% and 25%



Figure 48: This is an example of temporary window signs that cover less than 50% of the windows.



Figure 49: This is an example of temporary window signage that most commonly has went to go on light.

LEGAL RESOURCES FOR TEMPORARY SIGNS

This document is not designed to provide legal opinions on temporary signs, primarily because of the wide variety of court

cases and state laws that have different impacts on each

community's ability to regulate temporary signs. For example, an

Arizona statute requires jurisdictions to allow political signs in

rights-of-way during certain time periods around elections, while

in Ohio, there are different legal opinions regarding a community's

authority to regulate signage for aesthetic purposes. This section

simply highlights some key legal issues that a community needs

to consider, identifies potential red flags for further review, and

directs you to additional resources for further reading. In all

instances, you should work closely with your community's legal

counsel to ensure compliance with all local, state, and federal

laws.

Content-Neutrality.

Content-neutrality impacts regulation of all signs, not just temporary signs, and quite often it becomes a question of interpretation. Just over 55% of the survey participants believe they have content-neutral regulations. Among those who said "no," some did recognize they regulate real-estate and political signs differently than other types of temporary signs. Like many legal issues, it is not as straight forward as one would think, and much of the question is related to interpretation of case law that applies to individual jurisdictions.

The U.S. Supreme Court, in its 2015 ruling in *Reed v. Town of Gilbert*, Arizona, made it clear that for a sign regulation to be considered content-neutral, you should not have to read the sign to determine what type of sign it is, or how to regulate the sign. Because of *Reed*, real-estate, political and construction signs, etc. are now considered content-based signs because you define them by their content. Content-neutral sign regulations define signs based on their size, height, structure, placement, material, shape, or other characteristics, not content. This document focuses on the content-neutral, sign type definitions, such as banner signs, blade signs, sidewalk signs, etc. While it is true that before *Reed* a few court cases allowed the regulation of a limited number of content-based signs, such as real estate or political signs, but those decisions have now been effectively overturned by the *Reed* decision and should no longer be considered good law. The best approach for any jurisdiction, in light of the *Reed* decision, is to eliminate all content-based language from your sign regulations, with the only exceptions being signs that must be defined by content in order to achieve a compelling governmental interest.



Figure 50 This sign would be classified as a real estate or construction sign in content based regulations. A content neutral approach would be to classify it as a temporary yard sign.

On-Premise versus Off-Premise Signs.

The *Reed* decision has left uncertain the legality of regulations that consider the content of signs to determine if the sign is an on-premise sign or an off-premise sign. This has always been important for permanent signage because of a general concern about allowing billboard signs, which are traditionally off-premise signs. With temporary signs, this distinction may be less important, as discussed earlier, and may only be applicable when addressing larger temporary signs, such as balloon signs.

The Substitution Clause

As mentioned in the introduction, there is still a question of whether communities have the ability to regulate signs based on whether they contain commercial or noncommercial speech. Regardless of this question, communities should always consider including a substitution clause in their sign regulations that would allow for a sign owner to replace any commercial message on a sign, with a noncommercial message.



Figure 31: These two temporary signs advertise a local community event (sign on left) and a public service announcement (sign on right) unrelated to the property and would typically be considered off-premise signs.

ADDITIONAL READING

The following is a list of additional reading and resources that provide discussions about legal issues related to signage, as well as other best practices for regulating signage as outlined in this guide.

Context-Sensitive Signage Design (Chapter 6 – Legal Issues in the Regulation of On-Premise Signs)

Marya Morris, Mark L. Hinshaw, Douglas Mace, and Alan Weinstein. Context Sensitive Signage Design. (American Planning Association, 2001)

<https://www.planning.org/research/signs/pdf/chapter6.pdf>

The Signage Sourcebook: A Signage Handbook

U.S. Small Business Administration. The Signage Sourcebook: A Signage Handbook. (U.S. Small Business Administration, 2003)

Not available online but available for purchase at various outlets.

An Evidence Based Model Sign Code

Dawn Jourdan, Esq., Ph.D., H. Gene Hawkins, Jr. Ph.D., P.E., Robin Abrams, Ph.D., and Kimberly Winson-Geideman, Ph.D. An Evidence Based Model Sign Code. (Urban Design Associates, 2009)

<http://www.dcp.ufl.edu/files/8c71fa03-9cbf-4af2-9.pdf>

Street Graphics and the Law

Daniel R. Mandelker, John M. Baker, and Richard Crawford. Street Graphics and the Law. (APA Planning Advisory Service, 2015)

Not available online but available for purchase at www.planning.org and other outlets.

United States Sign Council On-Premise Sign Code

Andres D. Bertucci and Richard B. Crawford, Esq. United States Sign Council Model On-Premise Sign Code. (United States Sign Council, 2011)

<http://www.uscscfoundation.org/USSCModelOn-PremiseSignCode.pdf>

A Framework for On-Premise Sign Regulations

Alan Weinstein and David Hartt. A Framework for On-Premise Sign Regulations. (Sign Research Foundation, 2009)

<http://www.signresearch.org/wp-content/uploads/A-Framework-for-On-Premise-Sign-Regulation.pdf>

In addition to the above documents, the International Sign Association has produced a series of videos on issues related to sign area, sign height calculations, and sign visibility. These videos can be found online at <http://www.signs.org/Resources/ISAVideos.aspx>.

GLOSSARY

An important part of any sign regulations is a solid set of definitions for the various sign types and terms used in the regulations. This is especially true when the regulations prohibit all types of signs unless specifically listed and/or defined. In those instances, the definitions are the primary method of determining what types of signs are allowed or prohibited. The following is a glossary of terms commonly used in the regulation of temporary signs.

Advertising Mural

A large-scale temporary or permanent sign that covers all or a major portion of a multi-story blank or unfinished wall, building, or structure.

A-Frame Sign (a.k.a., Sandwich Board Sign or Sidewalk Sign)

A freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition of T-frame signs.

Air-Activated Graphic

A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.

Balloon Sign (a.k.a., Inflatable Device)

A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached or held in place by a cord, rope, cable, or similar method. See also the definition for air-activated graphics.

Banner Sign

A temporary sign composed of cloth, canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method or that may be supported by stakes in the ground.

Blade Sign (a.k.a., Feather Sign, Teardrop Sign, and Flag Sign)

A temporary sign that is constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure.

Commercial Message

Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Freestanding/Yard Sign

Any permanent or temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

Light Pole Banner (a.k.a., Support Pole Banner)

A temporary banner or sign that is designed to be attached to a permanent light pole or other pole structure, and where the temporary sign element can be changed without modifying the permanent structure.

Noncommercial Message

Any sign wording, logo, or other representation that is not defined as a commercial message.

On-Premise Sign

A sign that advertises or otherwise directs attention to a product sold, service provided, or activity that occurs on the same parcel where the sign is located.

Off-Premise Sign

A sign that advertises or otherwise directs attention to a product sold, service provided, or an activity that occurs on a different parcel than where the sign is located.

Pennant

A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

People Sign (a.k.a., Human Mascot, Sign Spinner, and Human Sign)

A person attired or decorated with commercial insignia, images, costumes, masks, or other symbols that display commercial messages with the purpose of drawing attention to or advertising for an on-premise activity. Such person may or may not be holding a sign.

Portable Message Center Sign

A sign not permanently affixed to the ground, building, or other structure, which may be moved from place to place, including, but not limited to, signs designed to be transported by means of wheels. Such signs may include changeable copy.

Projected-Image Sign

A sign which involves an image projected on the face of a wall, structure, sidewalk, or other surface, from a distant electronic device, such that the image does not originate from the plane of the wall, structure, sidewalk, or other surface.

Sign

Any object, device, display or structure or part thereof situated outdoors or adjacent to the interior of a window or doorway, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

Snipe Sign

A temporary sign illegally tacked, nailed, posted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.

Temporary Sign

Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure, which is permanently embedded in the ground, are considered temporary signs.

T-Frame Sign

A freestanding sign which is ordinarily in the shape of an upside down "T" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition for A-frame signs.

Vehicle Sign

Any sign permanently or temporarily attached to or placed on a vehicle or trailer in any manner so that the sign is used primarily as a stationary identification or advertisement sign.

Window Sign

Any sign viewable through and/or affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the exterior including, but not limited to, window paintings and signs located inside a building but visible primarily from the outside of the building.

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All images provided by Wendy Moeller unless otherwise noted.



www.signresearch.org

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Comments James Carpenter

- (f) To minimize the adverse effect of signs on nearby public and private property;
- (g) To ensure compliance with the Scenic Vistas Act and the Growth Management Act; and
- (h) To enable the fair and consistent enforcement of these sign regulations.

This chapter is adopted under the zoning authority of the County in furtherance of the more general purposes set forth in this title.

(2) It is the intent of this chapter that signs may be erected, placed, established, painted, created or maintained in the County only in conformance with the standards, procedures, exemptions and other requirements of this chapter. The intent of this chapter, as more specifically set forth herein, is:

- (a) To permit a variety of types of signs in commercial and industrial zones and a limited variety of signs in other zones, subject to the standards of this chapter;
- (b) To permit certain signs which are small, unobtrusive, and incidental to the principal use of the lots on which they are located; provided, that these types of signs are not portable signs which often cause safety problems due to blockage of vehicle/pedestrian sight lines and are further subject to the substantive requirements of this chapter;
- (c) To bring existing, nonconforming signs which exceed an area/height/number cap set in this chapter into compliance with these standards after a set period of time in order to further the goals and intent set forth in this chapter;
- (d) To prohibit signs not expressly permitted by this chapter; and
- (e) To provide for monitoring and compliance with the provisions of this chapter. This chapter distinguishes between signs by their structural type and duration of use but to the maximum extent possible does not distinguish between signs by their content. Certain types of signs are classified as temporary if they are only up for a short and specified period of time. Signs required by law, public signs required for safety, and public signage, the purpose of which is to inform the traveling public of public roadside facilities, are exempt from the ordinance requirements.



Summary of Comments on Chapter 33.57 CCC, Signs

Page: 2

Author: jcarpentier Subject: Sticky Note Date: 7/15/2022 12:54:57 PM

Sign codes should include severability and substitution clauses. A severability clause is common to most zoning and land development codes and simply provides that if any part of the code is invalidated in court, the rest of the code remains valid. A substitution clause simply allows a sign to substitute a noncommercial message on any sign that permits a commercial or another noncommercial message.

33.57.020 Definitions.

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular. The word "shall" is mandatory; the word "may" denotes a use of administrative discretion in making a decision. The words "used" or "occupied" shall be considered as though followed by the words "or intended, maintained, arranged or designated to be used or occupied."

(1) "Abandoned sign" means a sign that, for a period of more than six (6) months, no longer correctly identifies, exhorts, or advertises any person, business, lessor, lessee owner, product or activity conducted or available on or off the premises on which the sign is located. Signage on a property which is continuously listed for sale or lease shall not be considered abandoned for a period of six (6) months after which it shall be considered abandoned and subject to conformance with this chapter.

(2) "Administrator" means the Director of the Clallam County Department of Community Development or his/her designee.

(3) "Advertising" means to announce publicly by emphasizing a printed notice or to call public attention to desirable qualities so as to arouse a desire to buy or patronize. This also includes logos, borders, backgrounds and accents.

(4) "Building frontage" means the linear frontage of a building facing an abutting public or private street. When a building fronts on multiple streets, the building frontage shall be the one building front that would result in the greatest linear frontage.

(5) "Community event sign" means a temporary informational sign that pertains exclusively to a specific upcoming event sponsored by a nonprofit organization or by a governmental entity and is removed soon after the event.

(6) "Construction sign" means a temporary informational sign that identifies the architect, engineers, contractors, suppliers or grant agencies involved in construction project or announces the character of the building and is removed soon after completion of construction.

(7) "Election sign" means any sign which serves to influence, is intended to influence, or appears to be of the type which is commonly erected to influence, an election or ballot proposition.

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Author: jcarpentier Subject: Sticky Note Date: 7/15/2022 12:55:02 PM

Author: jcarpentier Subject: Sticky Note Date: 7/18/2022 1:14:00 PM

Temporary signs should be regulated by type such as post or yard sign rather than the content or category such as community event sign, grand opening sign or construction sign. As stated in the attached document, The State of Sign codes after Reed, "remove from the sign code all references to the content of the sign other than the few examples directly related to public safety." Also, see the attached resource Best Practices Regulating Temporary Signs.

access for each business which shares a common lot, access and/or parking facility operating under separate State tax numbers.

(16) "Multiple-business complex sign" means a sign that is designated to identify a multiple business complex including directory signs for businesses within the complex.

(17) "Mural" means an outdoor wall painting on a building which consists exclusively of paint applied to the wall or to framework attached within nine (9) inches of the wall and which contains no advertising.

(18) "Noise" means any intended or unintended sound created by the sign or its installed equipment which exceeds forty (40) decibels as measured from the nearest point adjacent to the property or place of business, whichever is closer.

(19) "Nonconforming sign" means any sign in existence within the County on the date of adoption of the ordinance codified in this chapter which does not conform with the provisions of this chapter, but which did conform to all applicable laws in effect on the date the sign was originally erected.

(20) "Portable sign" means any moveable sign which is not permanently affixed to the ground or a structure or building. This definition includes movable reader boards, outdoor soft drink dispensers located farther than nine (9) inches from a building and sandwich boards that are placed so as to be seen from public right-of-ways.

(21) "Primary roofline" means the roofline under which a majority of the square footage of the business is located.

(22) "Real estate sign" means a temporary sign advertising real estate for sale, rent or lease.

(23) "Sign" means any object, device, fixture, placard, banner, structure or portion thereof, including any letters, figures, design, symbol, trademark or device that uses any color, form, graphic, illumination, symbol or writing intended to advertise, announce the purpose of, or identify the purpose of a person or entity, or to attract attention to any message, activity, service, place, subject, person, firm, corporation, public performance, article, machine or merchandise or to communicate information of any kind to the public, and which is visible from any right-of-way open to the public. Lighting that highlights an architectural feature of a building and does not consist of lettering, symbols or graphics shall not be considered a sign.

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Author: jcarpentier Subject: Sticky Note Date: 7/15/2022 1:22:32 PM

Artwork (including murals) is expressive conduct protected by the First Amendment. Several cases have ruled that sign codes that either exempt (*Central Radio v. City of Norfolk* (4th Cir. 2016)) or regulate (*Kersten v. City of Mandan*, 389 F.Supp.3d 640 (D. N.D. 2019)) works of art or murals that did not display commercial messages are content-based. Before *Reed*, courts applied intermediate scrutiny to the regulation of commercial speech based on whether the message conveyed is tied solely to economic benefit of the business and serves no purpose beyond the commercial motive. In *Kersten*, the court ruled that design guidelines that prohibit murals with commercial messages but allow other murals that are not commercial is content-based and subject to strict scrutiny. See also *Complete Angler, LLC v. City of Clearwater* (M.D. Fla. 2009) (bait and tackle shop displaying aquatic mural was non-commercial speech, and exemptions for noncommercial works of art and holiday decorations were content-based). In *Morris v. City of New Orleans* (E.D. La. 2019), the city defined murals separately from signs and prohibited commercial advertising on them. Applying intermediate scrutiny, the court invalidated the mural regulations, finding that "there is nothing in the record to suggest that commercial messages in artwork are more unsightly than non-commercial messages in artwork."

(24) "Sign area" means the entire face of the sign, including advertising surface, backlit surface, and any framing, trim or molding but does not include the supporting structure. Sign area is measured by multiplying the maximum horizontal width by the maximum vertical width. The surface area of a sign painted on a wall, awning or roof shall be measured by multiplying the maximum width of the copy by the maximum length of the copy. Sign areas may also be calculated by measuring the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the advertising copy, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, including an awning. Supportive framework which contains no written copy or other advertising and is clearly incidental to the display itself shall not be included in sign area calculations; provided, that the sign support structure shall be the minimum necessary to support the sign. For the purpose of this chapter the total sign area of any two (2) faced sign with parallel faces or V-type sign having an interior angle of forty-five (45) degrees or less shall be calculated as the area of the larger of the two (2) faces or one face if equal in size. All other multiple-faced or paneled signs shall be the total area of all faces or panels combined.

(25) "Sign surface" means any surface of a sign upon which there is lettering or other advertising.

(26) "Sign height" means the vertical distance from grade to the highest point of a sign or any projection thereof.

(27) "Sign structure" means any structure that supports or is capable of supporting any sign as defined in this chapter. A sign structure may be a pole or poles, or may be an integral part of a building. Structures that perform a separate use, such as a telephone booth, bus shelter, recycling or used goods container, etc., shall not be considered a sign structure. Sign structures shall be the minimum necessary to support the sign and shall not depict any product being advertised.

(28) "Street" means a public or private way open to the general public for the purpose of vehicular traffic, including all classes of roadways and easements.

(29) "Temporary sign" means a nonpermanent sign intended for use for a short period of time, which includes election signs, construction signs, real estate signs, grand opening signs, community event signs and residential yard sale signs.

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Author: jcarpentier Subject: Sticky Note Date: 7/15/2022 1:50:20 PM

The definition for temporary signs needs to be content neutral. Consider the following definition from the Sign Research Foundation's Sign Glossary:

A sign that is not permanently anchored to the ground, affixed to a structure, or mounted on a chassis, and is intended for a limited period of display. Examples of these signs include, but are not limited to, banners, feather signs, airactivated graphics, or temporary yard signs

(1) The total area of signage attached to any face of the building(s) in one or more facade signs shall not exceed the square footage limit for a facade signage of one square foot of sign area for each linear foot of building frontage facing a single public or private road. No facade sign may extend above the primary roofline or project more than eight (8) feet from the roofline edge of the building. For multiple-business complexes each business within a plaza may have one facade sign attached to the commercial structure that is limited to one square foot of sign area per linear foot of each businesses building frontage.

(2) A freestanding sign or monument sign within a commercial or industrial zone shall be limited to one sign for each area of land under common ownership that is not the site of a multiple-business complex. This one sign (either freestanding or monument) shall not exceed thirty-two (32) square feet of sign area and shall not exceed ten (10) feet in height above grade. For multiple-business complexes, one freestanding sign or one monument sign may be used to advertise the plaza or complex name and the businesses within the complex. This sign shall be limited to one sign not exceeding the signage area limit of 100 square feet and whose height shall not exceed ten (10) feet in height above grade.

(3) Vehicular signage visible from a State scenic and recreational highway shall be limited to thirty-two (32) square feet and vehicular signage shall be set back from the lot line or right of public use line that fronts on the State scenic and recreational highway a minimum of fifty (50) feet. Firm identification signage and other signage at the minimum sizes required by State or federal law on commercial/industrial vehicles shall not be calculated as part of the thirty-two (32) square foot signage limitation. Work vehicles making a delivery or making a service call away from the home base of the business are not subject to this provision, as the purpose of this provision is to prevent vehicular signs from being used as a form of long-term freestanding sign. Likewise, local franchise holders for national moving van companies are not subject to the square footage limitation of this provision, as the local franchise holder has no control over the size of signage on the vehicles.

(4) When the conditions for a temporary sign are met, one temporary sign may also be allowed on a commercial/industrial property. Conditions present to qualify for a temporary sign would include the sale of property/business, a grand opening, construction of a business, and when advertising a community event. Such signage is limited to one unit thirty-two (32) square foot sign that shall not exceed five (5) feet in height above grade.

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Author: jcarpentier Subject: Sticky Note Date: 7/15/2022 1:53:17 PM

Author: jcarpentier Subject: Sticky Note Date: 7/18/2022 1:16:08 PM
Temporary signs should be regulated by the sign type such as banner with reasonable time, place and manner restrictions without reference to type of event.

- (5) The flag of a government or noncommercial institution such as a school;
- (6) Traffic or pedestrian control signs or signals, or signs indicating scenic or historic points of interest which are erected by, or on the order of, a public officer in the performance of his/her public duty;
- (7) Exterior signs or displays not visible from streets or ways open to the public;
- (8) "No trespassing," "no dumping," "no parking," "private," and other informational warning signs which shall not exceed four (4) square feet in surface area and eight (8) feet maximum height above grade;
- (9) Commercial or residential address signs with lettering not exceeding twelve (12) inches in height and newspaper boxes located within ten (10) feet of an existing commercial/industrial building; and
- (10) Election signs no greater than thirty-two (32) square feet in area and five (5) feet in height above grade.

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Author: jcarpentier Subject: Sticky Note Date: 7/18/2022 1:19:26 PM

We recommend that flags be regulated with time, place and manner restrictions. Content based exceptions for noncommercial institutions and schools should be avoided.

Author: jcarpentier Subject: Sticky Note Date: 7/18/2022 1:20:40 PM

Election signs need to comply with Washington State Law and the Collier v. Tacoma Washington State Supreme Court decision. We recommend that these signs not be exempt from the code but rather exempt from permits and subject to State Law and the Collier v. Tacoma State Supreme Court decision.

33.57.070 Prohibited signs.

The following signs or displays are prohibited, except as otherwise specifically allowed within this chapter. Prohibited signs are subject to removal by the County at the owner's or user's expense.

- (1) Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control sign, signal, or device, or the light of an emergency or radio equipment vehicle; or which obstruct the visibility of any street sign or signal device;
- (2) Signs identifying activities, products, businesses or services which have been discontinued for more than six (6) months on the premises upon which the signs are located;
- (3) Private signs on public utility poles;
- (4) Portable signs, due to fact that they are often placed where they block safety sight lines of motorists pulling into or out from a business or within safety sight triangles on corner lots;

33.57.010 Goals and intent.

(1) The goals of these sign regulations are:

- (a) To encourage the effective use of signs as a means of communication in the County;
- (b) To maintain and enhance the visual environment and the County's ability to provide an attractive area sources for economic development and growth;
- (c) To minimize excessive lighting in rural Clallam County along designated scenic highways;
- (d) To maintain and enhance scenic views along the County's scenic highways;
- (e) To improve traffic and pedestrian safety and to eliminate distractions to vehicle drivers;
- (f) To minimize the adverse effect of signs on nearby public and private property;
- (g) To prevent damage and personal injury from signs improperly constructed.
- (g) To ensure compliance with the Scenic Vistas Act and the Growth Management Act; and
- (h) To enable the fair and consistent enforcement of these sign regulations.

This chapter is adopted under the zoning authority of the County in furtherance of the more general purposes set forth in this title.

(2) It is the intent of this chapter that signs may be erected, placed, established, painted, created or maintained in the County ~~only~~ in conformance with the standards, procedures, exemptions and other requirements of this chapter. The intent of this chapter, as more specifically set forth herein, is:

- (a) To permit a variety of types of signs in commercial and industrial zones and a limited variety of signs in other zones, subject to the standards of this chapter;
- (b) To permit certain temporary signs which are small, unobtrusive, and incidental to the principal use of the lots on which they are located subject to requirements of this chapter; provided, that these types of signs are not portable signs which often cause safety problems due to blockage of vehicle/pedestrian sight lines. ~~and are further subject to the substantive requirements of this chapter;~~
- (c) To prohibit signs not expressly permitted by this chapter; and
- (d) To provide for monitoring and compliance with the provisions of this chapter. This chapter distinguishes between signs by their structural type and duration of use but to the maximum extent possible does not distinguish between signs by their content. Certain types of signs are classified as temporary if they are only up for a short and specified period of time. Signs required by law, public signs required for safety, and public signage, the purpose of which is to inform the traveling public of public roadside facilities, are exempt from the ordinance requirements.

33.57.020 Definitions.

Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular. The word "shall" is mandatory; the word "may" denotes a use of administrative discretion in making a decision. The words "used" or "occupied" shall be considered as though followed by the words "or intended, maintained, arranged or designated to be used or occupied."

(1) "Abandoned sign" means a sign that, for a period of more than six (6) months, no longer correctly identifies, exhorts, or advertises any person, business, lessor, lessee owner, product or activity conducted or available on or off the premises on which the sign is located. Signage on a property which is continuously listed for sale or lease shall not be considered abandoned for a period of six (6) months after which it shall be considered abandoned and subject to conformance with this chapter.

(2) "Administrator" means the Director of the Clallam County Department of Community Development or his/her designee.

(3) "Advertising" means to announce publicly by emphasizing a printed notice or to call public attention to desirable qualities so as to arouse a desire to buy or patronize. This also includes logos, borders, backgrounds and accents.

(4) "A-frame" or "Sandwich Board" means two usually hinged boards not permanently attached to the ground and generally oriented to pedestrians.

(4) "Animation" means the manipulation of electronic images in order to create moving images

(5) "Banner" means a flexible substrate on which copy or graphics are displayed. (Do we want a permit for these or do we want a time limit for these?)

(6) "Billboard" means a large outdoor board for displaying advertisements.

(7) "Building frontage" means the linear frontage of a building facing an abutting public or private street. When a building fronts on multiple streets, the building frontage shall be the one building front that would result in the greatest linear frontage.

*(85) "Community event sign" means a temporary informational sign that pertains exclusively to a specific upcoming event sponsored by a nonprofit organization or by a governmental entity and is removed soon after the event.

*(96) "Construction sign" means a temporary informational sign that identifies the architect, engineers, contractors, suppliers or grant agencies involved in construction project or announces the character of the building and is removed soon after completion of construction.

*(107) "Election sign" means any sign which serves to influence, is intended to influence, or appears to be of the type which is commonly erected to influence, an election or ballot proposition.

(11) "Digital or Electronic Sign" means changeable copy sign that uses illumination (LED-light emitting diodes, LCD- liquid crystal display, plasma display, individual light bulbs) to display or project copy.

(128) "Facade sign" means a sign which is attached parallel to and within nine (9) inches of the wall of a building, or vertical face of an awning or parapet which is supported by and confined within the limits of such wall, awning or parapet and which displays only one sign surface. "Facade sign" also include signs affixed to (within nine (9) inches at one point) or painted on an awning, canopy or roof so long as they do not extend above the primary roofline or more than eight (8) feet from the outside edge of the building. Soft drink dispensing machines will be considered a facade sign if located within nine (9) inches of the building.

(13) "Fade" means a mode of message transition on a digital sign accomplished by varying light intensity or color, where the first message gradually grows faint and disappears.

(14) "Feather or flutter sign" means a freestanding portable sign that contains a harpoon-style pole or staff driven into the ground for support that resembles a sail made of fabric of nylon.

(914) "Flashing sign" means a sign or a portion thereof which changes light intensity or switches on and off in a repetitive pattern at less than one-minute intervals, or uses electrical energy to provide motion or the optical illusion of motion.

(1510) "Freestanding sign" means a sign which is supported by permanent uprights, pole or braces to the ground and which is not connected to a building.

(161) "Grade" means the average elevation of the natural ground surface immediately below the sign before construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign; and provided, that when the elevation of the natural ground surface of a freestanding/monument sign is below the grade of the edge of the adjacent roadway, then the height of a freestanding or monument sign shall be measured from the grade at the outer edge of the roadway nearest the proposed sign location.

*(127) "Grand opening sign" means a temporary sign of no more than thirty (30) days' duration announcing the new opening of a store or a complete change in ownership or product line sold.

(18) "Height" (should we move "sign height" to here and just be height?)

(193) "Illuminated sign" means any sign illuminated in any manner by an on-site artificial light source.

(20) "Legal Nonconforming sign" means any sign in existence within the County on the date of adoption of the ordinance 694 codified in 2000 which did conform to all applicable laws in effect on the date the sign was originally erected.

(214) “Monument sign” means a ground-related, freestanding sign which is attached to the ground or to its base on grade by a solid sign structure and which structure extends from the ground or base to the sign face at the same or greater width as the sign face. Signs on fences are considered a form of monument sign.

(15) “Multiple-business complex” means a group of structures housing at least two (2) separate businesses or agencies operating under separate State tax numbers, or a single structure containing more than one business with separating walls and at least one outside or inside access for each business which shares a common lot, access and/or parking facility operating under separate State tax numbers.

(16) “Multiple-business complex sign” means a sign that is designated to identify a multiple business complex including directory signs for businesses within the complex. (this has been used in the past for businesses to qualify for larger signs that just display one business)

*(17) “Mural” means an outdoor wall painting on a building which consists exclusively of paint applied to the wall or to framework attached within nine (9) inches of the wall and which contains no advertising.

(18) “Noise” means any intended or unintended sound created by the sign or its installed equipment which exceeds forty (40) decibels as measured from the nearest point adjacent to the property or place of business, whichever is closer.

~~(19) “Nonconforming sign” means any sign in existence within the County on the date of adoption of the ordinance codified in this chapter which does not conform with the provisions of this chapter, but which did conform to all applicable laws in effect on the date the sign was originally erected.~~

(20) “Portable or movable sign” means any ~~moveable~~ sign which is not permanently affixed to the ground or a structure or building. This definition includes movable reader boards, outdoor soft drink dispensers located farther than nine (9) inches from a building and sandwich boards that are placed so as to be seen from public right-of-ways.

(21) “Primary roofline” means the roofline under which a majority of the square footage of the business is located.

(22) “Projecting signs” means a sign attached to a building or other structure that projects away from the structure more than 12-inches.

*(22) “Real estate sign” means a temporary sign advertising real estate for sale, rent or lease.

(22) “Rotating signs” means a moving sign that physically revolves about an axis.

(23) “Sign” means any object, device, fixture, placard, banner, structure or portion thereof, including any letters, figures, design, symbol, trademark or device that uses any color, form, graphic, illumination, symbol or writing intended to advertise, announce the purpose of, or

identify the purpose of a person or entity, or to attract attention to any message, activity, service, place, subject, person, firm, corporation, public performance, article, machine or merchandise or to communicate information of any kind to the public, and which is visible from any right-of-way open to the public. Lighting that highlights an architectural feature of a building and does not consist of lettering, symbols or graphics shall not be considered a sign.

(24) "Sign area" means the entire face of the sign, including advertising surface, backlit surface, and any framing, trim or molding but does not include the supporting structure. Sign area is measured by multiplying the maximum horizontal width by the maximum vertical width. The surface area of a sign painted on a wall, awning or roof shall be measured by multiplying the maximum width of the copy by the maximum length of the copy. Sign areas may also be calculated by measuring the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the advertising copy, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, including an awning. Supportive framework which contains no written copy or other advertising and is clearly incidental to the display itself shall not be included in sign area calculations; provided, that the sign support structure shall be the minimum necessary to support the sign. For the purpose of this chapter the total sign area of any two (2) faced sign with parallel faces or V-type sign having an interior angle of forty-five (45) degrees or less shall be calculated as the area of the larger of the two (2) faces or one face if equal in size. All other multiple-faced or paneled signs shall be the total area of all faces or panels combined.

(25) "Sign surface" means any surface of a sign upon which there is lettering or other advertising. Does this include a logo? Artwork?

(26) "Sign height" means the vertical distance from grade to the highest point of a sign or any projection thereof.

(27) "Sign structure" means any structure that supports or is capable of supporting any sign as defined in this chapter. A sign structure may be a pole or poles, or may be an integral part of a building. Structures that perform a separate use, such as a telephone booth, bus shelter, recycling or used goods container, etc., shall not be considered a sign structure. Sign structures shall be the minimum necessary to support the sign and shall not depict any product being advertised.

(28) "Street" means a public or private way open to the general public for the purpose of vehicular traffic, including all classes of roadways and easements.

(29) "Temporary sign" means a nonpermanent sign intended for use for a short period of time, ~~which includes election signs, construction signs, real estate signs, grand opening signs, community event signs and residential yard sale signs.~~

(30) "Under common ownership" describes a situation where one person, corporation, legal entity or related legal entities owns contiguous properties occupied by closely related businesses in which case these businesses will be considered to be one business, operating on one property for the purpose of applying this chapter (i.e., a car dealership may cover multiple contiguous

parcels and have several related businesses on these parcels but shall be considered to be “under common ownership” for the purpose of interpreting the provisions of this chapter).

(31) “Vehicular signs” are signs affixed or painted on work vehicles, tractor-trailers, busses, vans or other vehicles.

33.57.060 Exempt signs.

The following types of signs shall be exempt from the standards established within this code and from the certificate of compliance permitting requirements of this chapter; provided, that the any standards in this section are met:

(1) Official notices authorized by a court, public body or public safety official, provided they are removed within seven (7) days after conclusion of the subject of notification;

(2) Directional, warning or information signs authorized by federal, State or municipal governments or signs required by law not exceeding 200 square feet of sign area and twenty (20) feet in height. Directional signs located within State or County right-of-way shall be administered by State standards for directional signs and, if within Clallam County right-of-way, shall be administered by the Motorist Informational Sign Ordinance, Chapter 9.21 CCC;

(3) Memorial plaques, building identification signs and building cornerstones which are cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure. Plaques, tablets, or inscriptions indicating the name of a building, its 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, and which are not illuminated, except incidentally from light sources used for other purposes;

(4) Sculptures, murals, landscape features, fountains, mosaics, religious symbols, and design features which do not incorporate advertising or identification;

(5) The flag of a government or noncommercial institution such as a school;

(6) Traffic or pedestrian control signs or signals, or signs indicating scenic or historic points of interest which are erected by, or on the order of, a public officer in the performance of his/her public duty;

(7) Exterior signs or displays not visible from streets or ways open to the public;

* (8) “No trespassing,” “no dumping,” “no parking,” “private,” and other informational warning signs which shall not exceed four (4) square feet in surface area and eight (8) feet maximum height above grade;

(9) Commercial or residential address signs with lettering not exceeding twelve (12) inches in height and newspaper boxes located within ten (10) feet of an existing commercial/industrial building; and

(10) Signs erected during election season for the purpose of advertising a candidate or proposal Election signs no greater than thirty-two (32) square feet in area and five (5) feet in height above grade.

(11) Replacement of permitted or legal non-conforming signs if not changed in height, shape, size, lighting/illumination.

(12) Informational sign at a construction site that may identify the architect, engineers, contractors, suppliers or grant agencies involved in the construction project or announces the character of the building. This type of sign shall be removed soon after completion of construction.

(13) Signs advertising real estate for sale, rent or lease and removed after the real estate transaction is complete.

(14) Grand opening displays, such as temporary banners, flags, or balloons are permitted for a period of fourteen days to announce the opening of a completely new business or new management. All materials that have not been permitted shall be removed immediately after fourteen days.

(15) Businesses located within commercial zones may use banner signs...number of times per year? How many? Size? temporarily as a monument sign? Would use of a banner sign need to be permitted?

(15) One feather/flutter sign may be placed per 200 feet of frontage (for no more than duration of time???) and shall remain in good condition with no rips, tears, frayed edges or be sun-faded.

33.57.070 Prohibited signs.

The following signs or displays are prohibited, except as otherwise specifically allowed within this chapter. Prohibited signs are subject to removal by the County at the owner's or user's expense or penalty???

(1) Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control sign, signal, or device, or the light of an emergency or radio equipment vehicle; or which obstruct the visibility of any street sign or signal device;

(2) Signs erected, constructed, altered or relocated without a permit issued by the County or any other governmental agency that requires a permit under law;

(2) Signs identifying activities, products, businesses or services which have been discontinued for more than six (6) months on the premises upon which the signs are located;

(3) Private signs on public utility poles;

(4) Any sign that interferes with safe sight distances at an intersection or illuminates an intersection....

(4) Portable signs, due to fact that they are often placed where they block safety sight lines of motorists pulling into or out from a business or within safety sight triangles on corner lots;

(5) Signs erected, altered or relocated without a permit issued by the County or any other governmental agency that requires a permit under law;

(6) Signs that rotate or have a part or parts that move or revolve shall not be permitted in any zone except for the face of a clock less than six (6) square feet in size;

(7) Television type video???

(7) Signs or advertising displays consisting of clusters of posters, banners not affixed to a building wall or fence, pennants, ribbons, streamers, strings of lights other than holiday lights used exclusively for decorative purposes, spinners, twirlers or propellers, flashing signs, rotating or blinking lights, chasing or oscillating lights, light projections on other natural or manmade surfaces, television type video, flares, balloons, inflatable signs, bubble machines and similar devices of carnival nature, or containing elements creating sound greater than 40 decibels as measured from the nearest adjacent property or business boundary shall not be permitted in any zone;

(8) Signs within the public right-of-way unless erected by Clallam County or the State of Washington. These signs are subject to removal by the Clallam County Road Department.

33.57.030 Permitting

No sign may be erected, relocated, constructed, or altered within the areas of the County under Clallam County jurisdiction without a permit obtained from the Clallam County Department of Community Development, unless specifically exempt under this code (CCC [33.57.080](#)).

Painting, cleaning, refacing, or replacement of defective parts may be completed without a permit, however, r- replacement of Any changes to the sign structure will require review needed to be reviewed by the building department to determine ifs a building permit is required in accordance with the International Building Code. The sign permit is used to ensure all signs erected after passage of this chapter are in conformance with this chapter and compliant with building codes. (is this statement necessary???)

The application for permitting of a sign shall include drawings and details of the proposed sign, associated support structure and method of attachment, drawing of all exterior lighting (if any), a site plan with location of all proposed and existing signs, and dimensions of all existing signs. If the applicant is not the property owner the application must include a statement from the property owner verifying that permission is granted for the submission of the application.

~~No nonconforming sign maintenance shall be conducted that increases the noncompliance of the sign. A non-conforming sign shall not be altered in height, shape, size, lighting/illumination, or affect the base or support without conforming with the provisions of this chapter.~~

33.57.060 Exempt signs.

~~The following types of signs shall be exempt from the standards established within this code and from the certificate of compliance requirements of this chapter, provided, that any standards in this section are met:~~

- ~~(1) Official notices authorized by a court, public body or public safety official, provided they are removed within seven (7) days after conclusion of the subject of notification;~~
- ~~(2) Directional, warning or information signs authorized by federal, State or municipal governments or signs required by law not exceeding 200 square feet of sign area and twenty (20) feet in height. Directional signs located within State or County right-of-way shall be administered by State standards for directional signs and, if within Clallam County right-of-way, shall be administered by the Motorist Informational Sign Ordinance, Chapter 9.21 CCC;~~
- ~~(3) Memorial plaques, building identification signs and building cornerstones which are cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure. Plaques, tablets, or inscriptions indicating the name of a building, its 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, and which are not illuminated, except incidentally from light sources used for other purposes;~~
- ~~(4) Sculptures, murals, landscape features, fountains, mosaics, religious symbols, and design features which do not incorporate advertising or identification;~~
- ~~(5) The flag of a government or noncommercial institution such as a school;~~
- ~~(6) Traffic or pedestrian control signs or signals, or signs indicating scenic or historic points of interest which are erected by, or on the order of, a public officer in the performance of his/her public duty;~~
- ~~(7) Exterior signs or displays not visible from streets or ways open to the public;~~
- ~~(8) "No trespassing," "no dumping," "no parking," "private," and other informational warning signs which shall not exceed four (4) square feet in surface area and eight (8) feet maximum height above grade;~~
- ~~(9) Commercial or residential address signs with lettering not exceeding twelve (12) inches in height and newspaper boxes located within ten (10) feet of an existing commercial/industrial building; and~~
- ~~(10) Election signs no greater than thirty-two (32) square feet in area and five (5) feet in height above grade.~~

~~33.57.070 Prohibited signs.~~

~~The following signs or displays are prohibited, except as otherwise specifically allowed within this chapter. Prohibited signs are subject to removal by the County at the owner's or user's expense.~~

~~(1) Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control sign, signal, or device, or the light of an emergency or radio equipment vehicle; or which obstruct the visibility of any street sign or signal device;~~

~~(2) Signs identifying activities, products, businesses or services which have been discontinued for more than six (6) months on the premises upon which the signs are located;~~

~~(3) Private signs on public utility poles;~~

~~(4) Portable signs, due to fact that they are often placed where they block safety sight lines of motorists pulling into or out from a business or within safety sight triangles on corner lots;~~

~~(5) Signs erected, altered or relocated without a permit issued by the County or any other governmental agency that requires a permit under law;~~

~~(6) Signs that rotate or have a part or parts that move or revolve shall not be permitted in any zone except for the face of a clock less than six (6) square feet in size;~~

~~(7) Signs or advertising displays consisting of clusters of posters, banners not affixed to a building wall, pennants, ribbons, streamers, strings of lights other than holiday lights used exclusively for decorative purposes, spinners, twirlers or propellers, flashing signs, rotating or blinking lights, chasing or oscillating lights, light projections on other natural or manmade surfaces, television type video, flares, balloons, inflatable signs, bubble machines and similar devices of carnival nature, or containing elements creating sound greater than 40 decibels as measured from the nearest adjacent property or business boundary shall not be permitted in any zone;~~

~~(8) Signs within the public right of way unless erected by Clallam County or the State of Washington;~~

33.57.040 Commercial and Industrial sign standards.

There are only four (4) basic types of signs that are used by business and industry. Those four (4) types include signs that are attached to the building (facade), signs that are set apart from the building (freestanding/monument), vehicular signs and temporary signs that are needed when certain conditions are met. Any sign that cannot be configured to qualify as one of these four (4) sign types and is not an exempt sign is prohibited in all zones. The time, place, number and manner regulations of these four (4) types of signs is as follows:

(1) The total area of signage attached to any face of the building(s) in one or more facade signs shall not exceed the square footage limit for a facade signage of one square foot of sign area for each linear foot of building frontage facing a single public or private road. No facade sign may extend above the primary roofline or project more than eight (8) feet from the roofline edge of the building. For multiple-business complexes each business within a plaza may have one facade sign attached to the commercial structure that is limited to one square foot of sign area per linear foot of each businesses building frontage.

(2) A freestanding sign or monument sign within a commercial or industrial zone shall be limited to one sign for each area of land under common ownership that is not the site of a multiple-business complex. This one sign (either freestanding or monument) shall not exceed thirty-two (32) square feet of sign area and shall not exceed ten (10) feet in height above grade. For multiple-business complexes, one freestanding sign or one monument sign may be used to advertise the plaza or complex name and the businesses within the complex. This sign shall be limited to one sign not exceeding the signage area limit of 100 square feet and whose height shall not exceed ten (10) feet in height above grade.

(3) Vehicular signage visible from a State scenic and recreational highway shall be limited to thirty-two (32) square feet and vehicular signage shall be set back from the lot line or right of public use line that fronts on the State scenic and recreational highway a minimum of fifty (50) feet. Firm identification signage and other signage at the minimum sizes required by State or federal law on commercial/industrial vehicles shall not be calculated as part of the thirty-two (32) square foot signage limitation. Work vehicles making a delivery or making a service call away from the home base of the business are not subject to this provision, as the purpose of this provision is to prevent vehicular signs from being used as a form of long-term freestanding sign. Likewise, local franchise holders for national moving van companies are not subject to the square footage limitation of this provision, as the local franchise holder has no control over the size of signage on the vehicles.

(4) When the conditions for a temporary sign are met, one temporary sign may also be allowed on a commercial/industrial property. Conditions present to qualify for a temporary sign would include the sale of property/business, a grand opening, construction of a business, and when advertising a community event. Such signage is limited to one unlit thirty-two (32) square foot sign that shall not exceed five (5) feet in height above grade.

(5) Externally illuminated signs shall not exceed background area average illumination levels when measured five (5) feet beyond any vertical surface of the sign; lighting fixtures shall be carefully located, aimed and shielded so that light is only directed on to the sign surface with a light source that is not directly visible from the adjacent roadway. Internally illuminated signs using 800 milliamp ballasts shall not have lamps spaced closer than twelve (12) inches apart or if using 425 milliamp ballast shall not be closer than six (6) inches apart.

~~(6) Commercial/Industrial zoning includes the following zoning districts~~

| 33.57.050 Residential/Resource zoning district sign standards.

There are only four (4) basic types of signs that are used in residential/resource zones. Those four (4) types include signs that are attached to the building (facade), signs that are set apart from the building (freestanding/monument), vehicular signs and temporary signs that are needed when certain conditions are met. Any sign that cannot be configured to qualify as one of these four (4) sign types and is not an exempt sign is prohibited in all zones. The time, place, number and manner regulations of these four types of signs is as follows:

(1) Freestanding, monument and facade signage in Residential/Resource zoning districts, regardless of use, is limited to one unlit sign of one type with a maximum of six (6) square feet

of signage; and provided, that within a Commercial Forest zoning district (CF) the maximum sign size is twenty (20) square feet of signage.

(2) If the one sign allowed is a freestanding sign or monument sign, it shall not exceed five (5) feet in height above grade and shall be unlit.

(3) Vehicular signage visible from a County road or State scenic and recreational highway shall be limited to a total of thirty-two (32) square feet and vehicular signage shall be set back from the lot line or public right of use line that fronts on the State scenic and recreational highway a minimum of 100 feet. On parcels that predate the effective date of this chapter that cannot meet the 100-foot vehicular sign setback due to lack of lot depth, vehicular signs can be parked within twenty (20) feet of the lot line farthest from the scenic and recreational highway. Firm identification signage and other signage at the minimum sizes required by State or federal law on commercial/industrial vehicles shall not be calculated as part of the thirty-two (32) square foot signage limitation. Work vehicles making a delivery or making a service call away from the home base of the business are not subject to this provision, as the purpose of this provision is to prevent vehicular signs from being used as a form of long-term freestanding signs.

(4) When the conditions for a temporary sign are met, one temporary sign may also be allowed on a Residential/Resource property. Conditions present to qualify for a temporary sign would include property/home sale and when advertising a community event. Such signage is limited to one unlit six (6) square foot sign for a property/home sale, construction sign and community event and shall not exceed five (5) feet in height above grade.

33.57.080 Nonconforming signs.

It is the intent of this section to ensure that nonconforming signs of exceptional size and height are reduced in size and height in accord with this section. ~~and to ensure that nonconforming signs are retrofitted into conforming signs as expeditiously and fairly as possible while avoiding any unreasonable invasion of established property rights.~~ The following standards apply to nonconforming signs:

(1) No nonconforming sign maintenance shall be conducted that increases the noncompliance of the sign.

(2) A non-conforming sign shall not be altered in height, shape, size, lighting/illumination, or affect the base or support without conforming with the provisions of this chapter.

~~—(6)(2)~~ Properties with nonconforming signage shall only be allowed ~~to erect~~ new or replacement signage requiring a ~~certificate of compliance permit~~ after bringing an equivalent number of nonconforming signs on the property into conformance with the standards of this chapter.

~~(8) Nonconforming signs which have had the entire sign face area taken down to the ground as a result of natural disaster or which are removed as a result of loss of lease or are removed as a result of a construction project shall not be re-erected without bringing them into conformance with this chapter. No work on an undamaged, existing nonconforming sign that brings such sign into greater conformance with this code shall be considered to be a sign removal requiring conformance with the standards for new signage.~~

33.57.090 Signage visible from a scenic highway.

A permit or other written approval is required from the Washington State Department of Transportation prior to review of certain types of sign permits by Clallam County for those areas within 600 feet of a designated scenic and recreational highway to show conformance with the Scenic Vistas Act and the Highway Advertising Control Act (Chapter [468-66](#) WAC).

33.57.100 Variances.

Applications for a variance from the standards established by this code shall be processed as Type III permits as set forth in Chapter [26.10](#) CCC and the review criteria outlined in Chapter [33.30](#) CCC, Variances. Variances shall not be permitted for modification to the number of signs and sign types specified in this chapter. Sign size variances shall not exceed 10 percent of the standard required unless it can be demonstrated that the sign qualifies as a community landmark sign and must show that the increase is required to allow the sign owner to purchase a standardized sign required by a national manufacturer who does not offer signs in a conforming size. A sign size (area) variance of less than 10 percent in area that meets the preceding criteria shall be processed as a Type II administrative variance as set forth in Chapter [26.10](#) CCC. Sign height variances over the 10 percent limit are available to those business owners that can demonstrate that their nonconforming sign qualifies as a community landmark sign. A community landmark sign must predate the effective date of this code by at least 20 years, have advertised the same business under the same name for all of that time, have become an important cultural landmark to County residents and would be difficult to retrofit to the nonconforming sign standard without destroying the unique character of the sign.

33.57.110 Review of Administrator's action (appeals).

Any person aggrieved by the granting, denying or rescinding of a decision of the Administrator made under this chapter may seek review from the Hearing Examiner in accordance with Chapters [33.33](#) and [26.10](#) CCC. The request must be in writing setting forth the basis of the appeal and must be accompanied by the appropriate fees outlined in Chapter [5.100](#) CCC.

33.57.120 Severability.

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