

ORDINANCE NO. 25-20

AN ORDINANCE of the City of Richland amending
Richland Municipal Code Title 27: Signs.

WHEREAS, the City of Richland has need, from time to time, to amend the Richland Municipal Code (RMC) to eliminate conflicts and ambiguities, and to bring local ordinances into alignment with state and federal law; and

WHEREAS, Title 27 of the Richland Municipal Code addresses Richland's sign code; and

WHEREAS, in 2019, in response to legal developments affecting speech protected by the First Amendment, the City updated Title 27 RMC to come into compliance with *Reed v. Town of Gilbert* and its progeny; and

WHEREAS, the update failed to address the need for placement of governmental signs in the right-of-way.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Richland Municipal Code Section 27.04.030, entitled Permits required – Exemptions, as first enacted by Ordinance No. 03-89, and last amended by Ordinance No. 08-19, is hereby amended to read as follows:

27.04.030 Permits required – Exemptions.

Sign permits are required for most permanent and temporary signs. Permit requirements and exemptions are specified below:

A. Permanent Signs. A separate permit shall be required for a sign or signs for each business entity and/or a separate permit for each group of signs on a single supporting structure installed simultaneously. Thereafter, each additional sign erected on the structure must have a separate permit. A sign permit is not required for the following:

1. Signs required by law.
2. Exterior signs or displays not visible from streets or ways open to the public.
3. Signs in the interior of a building which are not visible from any public property or rights-of-way.
4. Plaques, tablets, or inscriptions which are an integral part of the building structure or are attached flat to the face of the building, which are not illuminated and do not exceed 10 square feet in surface area.
5. Signs less than two square feet in surface area.

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

7. Any sign, posting, or notice placed or installed by municipal, state or federal agencies. For purposes of this Title, the transit authority is a municipal agency.

B. Temporary Signs. The erection, construction, posting, or placement of temporary signs shall require a temporary sign permit. The following temporary signs shall not require a permit:

1. Signs required by law.

2. Sandwich board signs worn by a person while walking the public ways of the city.

3. Changing of a theater marquee or similar sign.

4. Temporary window signs.

5. Signs displayed on a lot with property for sale or rent, provided:

a. That only one such sign is permitted for each public street upon which the property for sale or rent fronts;

b. That in the event a sign qualifies for this exemption, a second temporary sign is also exempt if located within 1,000 feet, measured as the shortest straight line between the property line of the property for sale or rent and the site of the second exempt sign; and

c. That such signs shall not exceed the measurement limitations specified in RMC 27.08.020.

6. Signs displayed on a lot where construction is taking place, provided:

a. That they are removed prior to occupancy approval of the building;

b. That only one such sign is permitted for each public street upon which the construction project fronts; and

c. That such signs shall not exceed the measurement limitations specified in RMC 27.08.020.

7. Noncommercial signs that are made of paper, vinyl, plastic or other nondurable material and which are designed and intended to be displayed for a short period of time; provided, that they conform with the sight obstruction requirements of Chapter 12.11 RMC, do not interfere with or obstruct any traffic control device or in any other manner interfere with the control of traffic on the streets of the city, and are not larger than 32 square feet in area.

C. Number of Signs. Except as provided at RMC 27.08.020, signs not requiring a permit and temporary signs shall not be included as part of the maximum number of signs permitted by this code.

D. Attachments to Signs. Ancillary devices, displays, and attachments not originally a part of the sign for which a permit was issued shall not be added to an existing sign except as provided in this code and pursuant to another sign permit issued by the building inspector.

Section 2. Richland Municipal Code Section 27.08.010, entitled General standards for signs, as first enacted by Ordinance No. 03-89, and last amended by Ordinance No. 08-19, is hereby amended to read as follows:

27.08.010 General standards for signs.

Signs shall be constructed and maintained in compliance with this chapter, the city building code, and all other applicable ordinances. The allowable type of signs, their placement, and other limitations shall be according to the standards established in this section. Provisions for the various use districts under the city comprehensive zoning ordinance may establish standards in addition to, or more restrictive than, the standards in this section.

A. General Provisions.

1. Structural. The structure and erection of signs within the city of Richland shall be governed by the current edition of the Uniform Sign Code as adopted by the city of Richland and by the currently applicable International Building Code as adopted by the city of Richland. Compliance with these adopted codes shall be prerequisite to issuance of a sign permit.

2. Electrical. Electrical requirements for signs within the city of Richland shall be governed by the requirements, standards, rules, and regulations established by the state of Washington and adopted by the city of Richland (Chapter 296-46 WAC). Compliance therewith shall be required by every sign utilizing electrical energy as a prerequisite to issuance of a sign permit.

3. Light and Glare from Signs. Illumination from or upon any sign shall be shaded, shielded, directed, or reduced so as to avoid brightness, glare, or reflection of light in excess of that recommended by the Illumination Society of America to avoid unreasonable distraction by pedestrians or motorists. Illumination shall not exceed that necessary to make the sign visible to the average person on the street adjacent to the sign.

4. Maintenance. All signs shall be constantly maintained in a state of security, safety, and repair. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous, it shall be the duty of the owner and/or occupant of the premises on which the sign is fastened to repair or remove the sign within five days after receiving written notice from the sign code administrator.

5. Obstruction. No sign shall be located so as to physically obstruct any door, window, or exit from a building. No sign shall be located so as to be hazardous to a motorist's ingress and egress from parking areas or any way open to the public. No sign shall be located so as to be hazardous to a pedestrian's access to any way open to the public.

6. Inspection. All sign users shall permit periodic inspection of their sign(s) by the city upon request.

7. Conflicting Provisions. Whenever any provisions of this title overlap or conflict with regard to size or placement of a sign, the more restrictive provision shall apply.

B. Specific Provisions.

1. Freestanding Signs. A freestanding sign may be located at the property or building line, provided it complies with Chapter 12.11 RMC (Intersection Sight Distance) and the sign is located entirely behind the property or building line.

2. Building-Mounted Signs. Wall signs shall not extend above the point of intersection of the building wall to which the sign is attached and the building roof except that wall signs may extend to the top of a parapet wall. Wall signs and projecting signs may project over public property within the limits established in Chapter 27.10 RMC (Measurements). The structural support for projecting signs shall be an integral part of the sign design or shall be concealed from view. All structural support for projecting signs shall be entirely from the building wall or parapet from which the sign projects.

3. Marquee Awnings or Canopy Signs. Marquee awnings or canopy signs shall be mounted flat against the face of the marquee or canopy and shall not extend below the bottom face to which attached. One sign per user is permitted on the underside of a marquee or canopy. Such signs shall be mounted perpendicular to the building face and located at the main entrance of use. No other projecting signs relating to the user shall be visible from beneath the marquee or canopy.

4. Window Signs. Window signs shall not be included in determining the number of primary signs nor in determining the permissible sign area for each facade.

5. Roof Signs. All roof signs shall be constructed in such a way that they appear as an architectural blade or penthouse and are finished in such a manner that the visual appearance from all sides is such that they appear to be a part of the building itself. Roof signs shall be erected in such a manner that there is no visible support structure.

[6. Signs, postings, or notices placed or installed by municipal, state or federal agencies may be placed in the right-of-way so long as they comply with Chapter 12.11 RMC. For purposes of this Title, the transit authority is a municipal agency.](#)

C. Signs Prohibited in All Zones. Except where otherwise provided in this chapter, the following signs or displays are prohibited:

1. Signs which are an imitation of or resemble an official traffic sign or signal.
2. A sign that moves or gives the appearance of moving and any sign which flutters, undulates, swings, rotates, oscillates or otherwise moves by natural or artificial means, including any pennant but excluding banners displayed in compliance with the provisions of this title.
3. Signs which, by reason of their size, location, movement, 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 vehicle, or which obstruct the visibility of any traffic or street sign or signal device.
4. Signs or displays consisting of strings of lights, spinners, twirlers or propellers, flashing, rotating, or blinking lights, flares, balloons, bubble machines, and similar devices of a carnival nature, or containing elements creating sound or smell.
5. Abandoned signs, except as authorized by RMC 27.08.030(I).
6. Signs on utility poles.
7. Search lights, banners, clusters of flags, posters, pennants, and streamers.
8. Billboards.
9. Signs for which a permit is required and which are erected, altered, or relocated without, or in violation of the terms and conditions of, a current and valid permit issued by the city of Richland.
10. Except as otherwise permitted herein, off-premises commercial signs.
11. Except as otherwise permitted herein, portable signs.

Prohibited signs and displays are subject to removal and abatement by the city at the expense of the persons owning or maintaining such sign or display as provided in Chapter 27.12 RMC.

D. Signs Projecting over Public Right-of-Way.

1. Projecting signs extending over public right-of-way shall be erected with clearance and projection limitations as set forth in Chapter 27.10 RMC (Measurements); provided, that in no case shall any sign be permitted to extend beyond the curb line.
2. If a public need arises, any sign permitted to extend over public right-of-way shall be removed or altered within 10 days of receiving written notice from the sign code administrator.

E. Signs near Intersections. All signs located at street or driveway/street intersections shall be placed so as not to constitute a safety hazard and shall be constructed to comply with the requirements of Chapter 12.11 RMC (Intersection Sight Distance). Freestanding signs located at street intersections may be placed at the property line or building line subject to the limitations above.

Section 4. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 5. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 6. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 1st day of September, 2020.


Ryan Lukson, Mayor

Attest:


Jennifer Rogers, City Clerk

Approved as to form:


Heather Kintzley, City Attorney

Date Published: September 6, 2020