

ORDINANCE NO. 08- 882

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF BLACK DIAMOND, KING COUNTY,
WASHINGTON, AMENDING BDMC 18.92.070 TO ALLOW
COMMERCIAL SIGNS IN PUBLIC RIGHTS OF WAY
DURING CLOSURE OF, OR RESTRICTION OF VEHICLE
TRAFFIC ON, SECTIONS OF STREETS OR HIGHWAYS
FOR MORE THAN FIVE CONSECUTIVE DAYS AND TO
EXEMPT SIGNS WITH A GOVERNMENTAL PURPOSE
FROM THE CITY'S PERMIT REQUIREMENTS**

WHEREAS, the Washington Department of Transportation has closed sections of state route 169 just south of the City of Black Diamond to effect emergency repairs to the Green River bridge; and

WHEREAS, this closure is expected to remain in place for a minimum of ninety days but could exceed 180 days; and

WHEREAS, this closure could have a devastating economic impact on businesses within the historic retail core of the City should the travelling public not be made aware that these retail establishments remain open for business; and

WHEREAS, immediate action is needed to avoid significant loss of sales by these businesses and accompanying loss of tax revenues for the City, thereby jeopardizing the ability of the City to properly fund police and other services necessary for the protection of public health and safety and the protection of public property and maintaining the peace.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 18.92.070 of the Black Diamond Municipal Code is hereby amended to read as follows:

18.92.070 Additional standards for specific signs.

- A. Business opening signs: Maximum duration shall be one month. Maximum area, per site, shall be twenty square feet.
- B. Sale signs: Maximum duration shall be one month.

C. Quitting business, fire sale and similar signs: Maximum duration shall be not more than two months.

D. Real estate (on- and off-premises signs):

1. Residential “For Sale” and “Sold” Signs. Such signs shall be limited to one sign per street frontage not to exceed six square feet in sign area per side, placed wholly on the property for sale, and not to exceed a height of six feet. Off-premises signs shall not exceed six square feet and are restricted to one per street.

2. Residential Directional Open House Sandwich Board Signs. Such signs shall be sandwich board signs only and shall be limited to one sign per street frontage on the premises for sale and three off-premises signs. However, if a broker/agent has more than one house open for inspection in a single development or subdivision, he is limited to four off-premises open house signs in the entire development or subdivision. Such signs are permitted only during daylight hours and when the broker/agent or seller or an agent is in attendance at the property for sale. No such sign shall exceed five square feet in sign area per side. The sign may be placed along the periphery of a public right-of-way, provided it does not interfere with traffic safety, but it may not be attached to a utility pole or traffic safety device. The use of any sign other than a sandwich board sign for residential directional open house purposes is prohibited.

3. Undeveloped Commercial and Industrial Property “For Sale or Rent” Signs. One sign per street frontage advertising undeveloped commercial property for sale or for rent is permitted while the building is actually for rent or sale. The sign shall not exceed thirty-two square feet in sign area per side and six feet in height.

4. Developed Commercial and Industrial Property “For Sale or Rent” Signs. One sign per street frontage advertising a commercial or industrial building for rent or sale is permitted while the building is actually for rent or sale. If one face of the building is less than ten feet from the building line, the sign shall be placed on the building or in a window. If freestanding, the sign shall not exceed six feet in height; it shall be located more than fifteen feet from any abutting property line and a public right-of-way line; and shall not exceed thirty-two square feet in sign area per side. For rental space in multioccupancy buildings, one sign, four square feet in area, is allowed per window.

E. Construction Signs. Sign copy shall be limited to information about a building under construction or being remodeled. Maximum duration shall be until construction is completed or one year, whichever is shorter. Maximum area shall be thirty-two square feet.

F. Campaign/Political Signs. Sign copy shall be limited to information about a candidate, political party or public issue involved in a current election campaign. Campaign/political signs are permissible on the edge of public rights-of-way (provided they are not hazardous to pedestrian or vehicular traffic) for a period not to exceed thirty days prior to and/or five days after the applicable election. It shall be the responsibility of the candidate to have his or her campaign/political signs removed within five days after the election, or the city will remove such signs at the candidate's expense. Campaign/political signs may not otherwise be placed on public property and rights-of-way. Maximum sign area shall be twelve square feet.

G. Seasonal Decoration Signs and Signs Advertising a Public Event. Maximum duration shall be from one month before the event to five days after the event. Signs shall be removed by the promoters of the event, or the city will remove such signs at the promoters' expense.

H. Emergency "Open for Business" Signs. Whenever a public entity shall close sections of a road or highway or otherwise redirect or restrict vehicle access for a period of time greater than five consecutive days to perform repairs or construction, an affected business owner or group of owners may apply for a permit to install temporary signs at designated locations within city right of way that inform the public that businesses remain open. Such signs shall meet design standards established by the city and shall be installed and removed only by designated city staff. Such signs shall be allowed to remain in place only as long as the road or highway is closed or the restrictions on vehicular traffic occasioned by the construction or repair work are in effect. A fee to offset the cost to the city of materials and labor shall be imposed pursuant to the city's fee schedule.

I. Signs for Governmental Purpose. Signs that are authorized by the City or a county, state, or federal highway agency and are installed for a governmental purpose shall be exempt from the permit requirements of this chapter, provided, such signs shall meet any standards set by the city or otherwise required by state or federal law. For the purposes of this section, a "sign for a governmental purpose" shall mean an authorized sign that (1) provides directions, warnings, or identifies roads, streets or highways; or (2) provides official notice as authorized by a court, public body, or public safety official; or (3) indicates scenic or historic points of interest. The city administrator, or his or her designee, is authorized to establish and impose a fee to cover labor and materials for signs erected by

the city to identify scenic or historic points of interest.

Section 2. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 3. This Ordinance is hereby designated as a Public Emergency Ordinance necessary for the protection of public health, safety, public property or the public peace and shall be effective upon adoption. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced on the 4th day of December, 2008.

Passed by the City Council on the 4th day of December, 2008.



Mayor Howard Botts

ATTEST:



Brenda L. Streepy, City Clerk

APPROVED AS TO FORM:

Loren D. Combs, City Attorney

Published: 12/9/08
Effective Date: 12/14/08