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ORDINANCE NO. 2151

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, DECLARING AN EMERGENCY; ADOPTING INTERIM AMENDMENTS TO THE CITY'S SIGN REGULATIONS IN ORDER TO LIMIT THE SIZE OF NON-COMMERCIAL SIGNS IN THE PUBLIC RIGHT-OF-WAY TO SIX SQUARE FEET; ADOPTING AN INTERIM AMENDMENT TO THE CITY'S REGULATIONS REGARDING REAL ESTATE SIGNS IN THE PUBLIC RIGHT-OF-WAY IN ORDER TO CHANGE AN INCORRECT REFERENCE TO APPLICABLE REGULATIONS; SETTING A PUBLIC HEARING ON SAID INTERIM SIGN REGULATION AMENDMENTS FOR MARCH 18, 2003, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City currently limits the size of political signs within the public rights-of-way to six square feet in order to ensure traffic safety and to promote aesthetics, and

WHEREAS, the City regulations also address real estate open house signs and were intended to limit the size of such signs to six square feet, but due to an incorrect reference may allow such signs to be considerably larger in size, and

WHEREAS, over the course of the last several months, an increasing number of signs containing non-commercial speech have been placed in the public rights-of-way, including signs advertising religious festivals and signs protesting abortion, and

WHEREAS, anti-abortion protesters have recently begun placing and carrying signs as large as four feet by eight feet in the public right-of-way in the Education Hill Neighborhood and these signs contain graphic photos and text that are obviously intended to be seen by passing motorists, and

WHEREAS, the Redmond City Council supports freedom of speech and the ability of individuals to express their opinions, but believes that all signs within the public rights-of-way should be treated equally and on a content neutral basis and should be limited in size to no more than six square feet in order to promote traffic safety and aesthetics, and

WHEREAS, the City's regulations may not be broad enough to cover all non-commercial speech signs within the public rights-of-way and unless the City acts immediately to control the size of such signs, the large signs that have recently been placed and carried within the public rights-of-way can continue to distract motorists and cause safety problems, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Interim Amendment of Political and Non-Commercial Speech Sign Regulations. Subsection 20D.160.10-060(6) of the Redmond Municipal Code and Community Development Guide is hereby amended to read as follows:

- (6) Political and Other Non-Commercial Speech Signs.
 - (a) On-Premises Signs. On-premises political and non-commercial speech signs located at the headquarters of a political party, candidate for public elective office, public issue decided by ballot, or other non-commercial event or speech are permitted. All on-premises political and other non-commercial speech signs shall comply with the dimensional and locational requirements of the sign district in which located.
 - (b) Off-Premises Signs.
 - (i) Location. Permits for political and other non-commercial speech signs are not required. Political and non-commercial speech signs may not be placed on private

property without the permission of the owner. Except where otherwise required by law, in parking strips and public rights-of-way where the placement of a political or other non-commercial speech sign may be fairly attributed to the property owner, permission of that owner must first be obtained for placement. Political and other non-commercial speech signs may not be located so as to impede driver vision or represent an obstruction or hazard to vehicular or pedestrian traffic. On public property not part of the public right-of-way, relevant City departments may designate an area or areas for the placement of political and other non-commercial speech signs in order to ensure that placement will not interfere with the intended use of the land.

- (ii) Size/Height. Political and other non-commercial speech signs shall not exceed six square feet in size. This size limitation shall apply regardless of whether the sign is affixed to the ground, placed on the ground or on anything attached to the ground, carried by a person or persons, or located in any other manner. Where a political or other non-commercial speech sign is affixed to the ground, such sign may not exceed six feet in height, measured from the pre-existing ground level to the top of the sign.
- (iii) Removal of Signs. Off-premises political signs shall be removed within seven days of the date of the election to which the sign pertains. Off-premises non-commercial speech signs that relate to an event shall be removed within seven days after the event to which the sign pertains. Failure to remove signs within the time limit provided shall constitute a violation of this code and be punishable as such. In the event that City personnel are required to remove signs from the public rights-of-way after expiration of the time limit for removal, all costs associated with such removal shall be the

responsibility of the candidate, campaign organization, other organization, or individual for or by whom the sign was posted and shall be collected in addition to any other penalty applicable to failure to remove the sign.

- (iv) Public Works Projects. The Public Works Department may remove signs from public rights-of-way in order to conduct periodic maintenance activities. Signs removed for this purpose may be picked up at the City's Maintenance and Operations Center and returned to their prior location if still within the removal deadline, if any. The Public Works Department may permanently remove political and non-commercial speech signs from public rights-of-way for the purpose of carrying out major public works projects. Signs removed for this purpose and that relate to an election or other event will be held and made available for pick up at the City's Maintenance and Operations Center for a period of fourteen days following the election or event to which the sign pertains.
- (v) Removal of Signs in Disrepair. The Public Works Department may remove any sign that is in a state of disrepair from the public right-of-way or public property at any time. For purposes of this subsection, a sign is in a state of disrepair if it is ripped, torn, broken, faded, obliterated, obscured, dilapidated, blown down, knocked over, or in any other state in which its message has ceased to be readable or legible.
- (vi) Notification. Persons interested in locating off-premises political or non-commercial speech signs within the City are encouraged to first notify the City Clerk of their intent to do so and obtain a copy of these regulations.

Section 2. Interim Amendment Regarding Real Estate Signs Within the Public Rights-of-Way. Subsection 20D.160.10-060(7)(b)(vi) of the Redmond Municipal Code and Community Development Guide is hereby amended to read as follows:

- (vi) Open house or directional signs may be located within public rights-of-way where consistent with subsection (7)(b). The signs shall not be located within vehicle lanes, bikeways, trails, sidewalks, or median strips. Open house or directional signs shall comply with RCDG 20D.210.25-030 that prohibits obstruction of sight distance triangles. Open house or directional signs shall not block driveways or be affixed to utility poles, trees, or traffic signs.

Section 3. Effective Period for Interim Amendments. The interim amendments set forth in Sections 1 and 2 shall be in effect through April 4, 2003 and shall expire on that date unless, after the public hearing provided for in Section 4, the City Council adopts findings of fact justifying the Amendments. If the Council adopts such findings, the interim amendments shall remain in effect for such time as the Council may determine, consistent with RCW 36.70A.390 and RCW 35A.63.220.

Section 4. Public Hearing. Pursuant to RCW 36.70A.390 and RCW 35A.63.220, the Council hereby sets a public hearing for March 18, 2003 at 8:00 p.m. or as soon thereafter as the matter may be heard in order to adopt findings justifying the imposition of the interim amendments set forth in Sections 1 and 2.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance.

Section 6. Effective Date. This ordinance, being the exercise of a power specifically delegated to the City's legislative body, is not subject to referendum. The City

Council hereby finds and declares that an emergency exists which necessitates that this ordinance become effective immediately in order to preserve the public health, safety and welfare. This ordinance shall become effective immediately upon passage. The City Clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

APPROVED:
/s/ MAYOR ROSEMARIE M. IVES

ATTEST/AUTHENTICATED:
/s/ CITY CLERK BONNIE MATTSON

APPROVED AS TO FORM:
/s/ CITY ATTORNEY JAMES E. HANEY

FILED WITH THE CITY CLERK:	January 31, 2003
PASSED BY THE CITY COUNCIL:	February 4, 2003
PUBLISHED:	February 8, 2003
SIGNED BY THE MAYOR:	February 4, 2003
EFFECTIVE DATE:	February 4, 2003
ORDINANCE NO. <u>2151</u>	