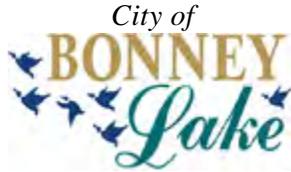


CITY COUNCIL WORKSHOP

**June 1, 2010
5:30 p.m.**

AGENDA



"Where Dreams Can Soar"

The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.

Website: www.ci.bonney-lake.wa.us

The City Council may act on items listed on this agenda, or by consensus give direction for future action. The council may also add and take action on other items not listed on this agenda.

Location: City Hall Council Chambers, 19306 Bonney Lake Blvd., Bonney Lake.

Page

I. Call to Order:

Mayor Neil Johnson @ Bonney Lake City Hall - 19306 Bonney Lake Blvd.

II. Roll Call:

Elected Officials: Mayor Neil Johnson, Jr., Deputy Mayor Dan Swatman, Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin and Councilmember Jim Rackley.

Expected Staff Members: City Administrator Don Morrison, Chief Financial Officer Al Juarez, Public Works Director Dan Grigsby, Community Development Director John Vodopich, Police Chief Mike Mitchell, Community Services Director Gary Leaf, Administrative Services Director/City Clerk Harwood Edvalson and City Attorney Jim Dionne.

III. Agenda Items:

A. Council Open Discussion

B. Presentation: Pierce County Library District Facilities Master Plan – Neel Parikh, District Director (No advance materials.)

C. Review of Council Minutes: May 18, 2010 Workshop and May 25, 2010 Meeting Draft Minutes.

D. Discussion: AB10-74 - Ordinance D10-74 - An Ordinance Of The City Of Bonney Lake, Pierce County, Washington, Updating The Sign Code To Allow Nonpolitical Campaign Signs In The Right Of Way.

IV. Executive Session:

Executive Session: Pursuant to RCW 42.30.110, the City Council may meet in executive session. The topic(s) and duration will be announced prior to the executive session.

V. Adjournment:

For citizens with disabilities requesting translators or adaptive equipment for communication purposes, the City requests notification as soon as possible of the type of service or equipment needed.

THE COUNCIL MAY ADD AND TAKE ACTION ON OTHER ITEMS NOT LISTED ON THIS AGENDA.

3-15

17-41

**CITY COUNCIL
WORKSHOP**

**May 18, 2010
5:30 p.m.**

DRAFT MINUTES



"Where Dreams Can Soar"

The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.

Website: www.ci.bonney-lake.wa.us

Audio Time
Stamp ↓

Location: City Hall Council Chambers, 19306 Bonney Lake Blvd., Bonney Lake.

I. Call to Order: Deputy Mayor Dan Swatman called the workshop to order at 5:35 p.m.

II. Roll Call: [A1.3]

Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Deputy Mayor Dan Swatman, elected officials attending were Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin and Councilmember James Rackley. Mayor Neil Johnson, Jr. arrived at 5:40 p.m.

[Staff members in attendance were City Administrator Don Morrison, Chief Financial Officer Al Juarez, Assistant Public Works Director Charles Simpson, Assistant Police Chief Dana Powers, Community Services Director Gary Leaf, City Attorney Jim Dionne, Administrative Services Director/City Clerk Harwood Edvalson and Records & Information Specialist Susan Duis.]

III. Agenda Items:

5:36:05

A. Presentation: Pierce Transit - Update on System Redesign PT Tomorrow - Tina Lee, Principal Planner.

Pierce Transit Principal Planner Tina Lee presented an update on 'PT Tomorrow' and the system redesign process. She invited all to attend a public meeting on June 2, 2010 at 6:00 p.m. at the Bonney Lake Senior Center. She also encouraged members of the community to visit their website, www.pttomorrow.org.

Ms. Lee provided an overview of Pierce Transit's funding resources, costs for different types of services, public involvement, and responses to public comments. She said Bonney Lake Route 407 costs about \$14.12 per passenger to operate, in comparison to \$2.54 for trunk routes and up to \$38.70 for Shuttle Trips. She described two alternatives for future services, a 'reduction' plan and a 'growth' plan. She said the revised alternatives offer more services to the cities of Bonney Lake and Buckley than the original proposals. The reduction plan includes adding a Bus Plus route from Puyallup through Bonney Lake and on to Buckley and Prairie Ridge, but no fixed route in north Bonney Lake. The growth plan keeps Route 408 and 496, and includes service to Buckley.

Councilmembers asked about timelines for service changes, transit system costs and proposed cuts. Ms. Lee said the Pierce Transit Board will consider when and if to present a tax increase on the ballot, and whether to increase bus fares.

Councilmember Rackley said promises were made to the City when the system was created that have still not been fulfilled. Councilmember Carter suggested extending

service to the Lakeland Community and Enumclaw. She asked how Bus Plus service impacts people who use Shuttle services; Ms. Lee said Shuttle Service is not available in areas that have Bus Plus service, and riders would have to meet the bus at Bus Plus fixed stops. She said the agency will work with people who currently use Shuttle Service. Councilmember Carter said the current system schedule is not coordinated with connector routes, so people have to wait a long time to make connections. She asked about local bus hubs and coordinating with school schedules, and said the online Trip Planner is difficult to use. Ms. Lee said an alternative trip planner is now available through www.onebusaway.org.

Deputy Mayor Swatman questioned why Pierce Transit has proposed a 43% reduction in services when sales tax revenues have decreased by only 12%. He said the agency's radio system is costly and noted that many agencies use private communications rather than maintaining their own radio systems. He applauded the agency's use of CNG-powered buses, but said they should work harder to encourage other agencies to use their fuel station. He said Bonney Lake pays \$2 million in taxes to Pierce Transit each year and asked what level of service residents should expect. Ms. Lee said the City has fixed routes, 13 vanpools, shuttle services, a Park & Ride station, and other benefits related to transit in the area. Mayor Johnson asked how the agency measures service use and ridership on vanpools. Ms. Lee said riders record mileage and ridership; she said vanpools are one of the most efficient services provided by Pierce Transit. She said she will provide information on staff reductions to Mayor Johnson since she did not have the information on hand.

Councilmember Lewis asked whether Pierce Transit collaborates with other transit agencies for purchasing, maintenance and reviewing costs. Ms. Lee said they use federal purchasing options for some items since they receive federal funding. Councilmember Hamilton said the agency is focusing on cuts, but he thinks they should present the issue as a temporary problem related to the recession, and push for increased services and ridership in the future. He said the agency needs to make major cuts to maintain services, and they would benefit from diversifying revenue sources beyond sales taxes. Mayor Johnson said residents in smaller communities perceive that Pierce Transit serves Tacoma first, and not their communities. He suggested the agency provide them with basic information on minimum and maximum service options as they move forward. Councilmember Rackley stressed that riders in outlying communities like Prairie Ridge depend on bus service to get to their jobs. Mayor Johnson and the Councilmembers thanked Ms. Lee for attending and providing more information.

Mayor Johnson recessed the workshop for five minutes at 6:54 p.m. The workshop was brought back to order at 7:07 p.m.

7:07:72

B. Council Open Discussion:

Transit Services: Councilmember Rackley thanked Chief Financial Officer Juarez for providing information to the Council on bus services.

Local Schools: Councilmember Carter attended the Victor Falls Elementary field trip. She, Councilmember Rackley and City Administrator Morrison plan to attend the Families First Coalition conference at White River High School on May 24th.

National League of Cities: Councilmember Carter asked for updates on the National League of Cities Health Card Program. City Administrator Morrison said the City would have to renew its membership with the League to qualify, and he has not yet received information from other cities on their use of the program.

Non-Political Sign Ordinance: Deputy Mayor Swatman said the City Attorney's office has asked for time to review the proposed sign ordinance. The proposed ordinance will come before Council with revisions at the next workshop.

Annexation: Deputy Mayor Swatman said the Mayor attended a meeting on annexation at the library organized by Brad Doll. Deputy Mayor Swatman said residents in Prairie Ridge are interested in annexing into the City, but the community is not included in the UGA/CUGA and cannot be annexed at this time.

Dog Park: Deputy Mayor Swatman said a Dog Park work party was held on May 15 and 16. The group of community volunteers cleared several trails. He thanked the volunteers for their hard work.

Boat Launch: Community Services Director Leaf said the pump on the boat launch bollard failed, and should be repaired by the end of the week if a replacement part can be found. Mayor Johnson said the bollards are often left down through Memorial Day weekend.

Flood Control District: Deputy Mayor Swatman said the newly-formed Flood Control District can impose a new tax without a vote of the people. Councilmember Carter said she read a report that Orting plans to move its fish hatchery out of the flood plain. Councilmember Hamilton said he does not completely oppose the Flood Control District, but feels they must negotiate with communities outside the flood plain.

County Executive Meeting: Councilmember Rackley said the Community Development Committee suggested two items be included in the Mayor's upcoming meeting with the County Executive: the 192nd St corridor and bus services. He asked the Mayor whether he could attend the meeting as an observer. Mayor Johnson said the meetings are set up between the County Executive, her staff and the Mayor and do not include Councilmembers. He said he will provide a report of the meeting to the Council.

Community Garden: Councilmember Carter said a ribbon cutting ceremony will be held at the new Community Garden on May 27th at 5:00 pm. Councilmember Rackley said plenty of people have volunteered to help prepare the garden, but they need more wood to build the rest of the garden plots.

WSU Forest: Councilmember Hamilton said the forest is being kept relatively free of garbage, but he has seen trees tagged with spray paint and evidence of fires and motorized vehicles inside the forest. He said the Police Chief asked for more information on where the property lines are, and suggested if officers rode through the trails regularly it would help. Councilmember McKibbin suggested that 'City Property' signs would also help with enforcement. Councilmember Carter said some debris was left over after the clean-up, but it is on the site for the new medical center, which could start being cleared by the first week of June. Councilmember Lewis said

when development starts for the commercial site, the contractor should clearly mark those areas that are managed by the City and those that are off-limits due to construction. City Attorney Dionne said he will talk with the Police Chief to clarify the City’s role in managing the forest and trails.

Eastown: Mayor Johnson said he will provide a copy of a letter he sent to Geinger Development, Inc. setting a June 14th deadline for them to submit easement documents and other information to the City. He said after this deadline the Council will move forward with an alternative plan. He said most of the other property owners have been working to get their easement paperwork submitted.

Sumner Pool: Mayor Johnson met with members of Sumner School District to discuss the future of the community pool. He said the district is negotiating with someone to manage the pool and they feel confident that they can work something out. He said they also discussed funding options for a YMCA, and the district said they would help fund the pool portion of the Bonney Lake recreation center. They also discussed long-range park and recreation planning for the area.

7:34:05

C. **Review of Draft Council Minutes:** May 4, 2010 Meeting and May 11, 2010 Workshop Draft Minutes.

Councilmember Carter and Lewis asked that the May 11th minutes be revised on p.2 to state “He said a resident in Sky Island expressed concern about speeding in his neighborhood.” The corrected minutes were forwarded to the May 25, 2010 Meeting for action.

7:35:24

D. **Discussion: AB10-59 - Ordinance D10-59 - Proposed Sewer Monthly Rate Increase for Grinder Pump, Availability and Consumption Rates.**

City Administrator Morrison summarized the proposed ordinance and rates. He noted that the base rate used in the draft ordinance is the current rate, which is based on annual CPI adjustments. The ordinance proposes increasing the grinder pump charge from \$7.76 to \$16, which covers the average actual costs for grinder pumps. It also proposes a 4% increase to base rates and a 5% increase to volumetric rates. The rates would continue to rise by 4% and 5%, respectively for four years. After four years of rate increases, these rates would continue to be adjusted with an annual CPI adjustment, except for grinder pump fees. He said the ordinance also clarifies rates for duplex units. He reviewed six alternative timelines for rate increases, that increase rates by higher percentages to make up the difference between current revenues and what the City’s consultants calculated are needed to maintain the system.

Councilmember Rackley asked for more information on the methodology used to calculate and distribute costs and revenues. City Administrator Morrison said he can provide labor allocation data, but other information can be provided by the FCS Group consultants. He said the City’s methodology for calculating these costs is 8 or 9 years old, and he plans to review it in the future.

Deputy Mayor Swatman said the Finance Committee has reviewed sewer rates several times, and he is not in favor of using CPI adjustments. City Administrator Morrison said CPI adjustments are helpful to keep rates on track by implementing small increases that do not require council action. He said CPI adjustments cause some administrative complications, and the yearly changes are not reflected in the

municipal code. He said operations and maintenance (O & M) costs may not stay in line with CPI adjustments, and SDC charges will not always be able to cover the costs to maintain infrastructure.

Deputy Mayor Swatman questioned why the City needs rate increases if new customers are projected to increase by 4% each year. He said in general, cities do not do a good job of explaining how funds from utilities customers are used. He said SDC charges are a major complicating factor, and they are not being replenished at a sustainable rate. He said it is important that staff have what they need to do their jobs in the field.

Mayor Johnson said Public Works Director Grigsby and City Engineer John Woodcock are conservative in their rate suggestions, and he feels the City should be more aggressive. He questioned how the City can cover costs for infrastructure maintenance and emergency projects with the current structure. He suggested that it may be sensible to start with smaller increases over a longer period of time, given the poor economy.

Assistant Public Works Director Charlie Simpson said he favors setting aside funds for emergency repairs and other needed projects. He said a lot of what goes on in public works is not seen, but if one of the city's 28 lift stations breaks down the City has to fix it, regardless of whether funds were previously set aside. He said he supports conservative planning and maintenance to keep the system functioning smoothly. He said staff are working to improve O & M with a new work order system and more professional processes. He said he wants to provide the Council with detailed information to help them make decisions. Councilmember Carter said the City should provide more detailed information for customers online, like other cities do. Mayor Johnson said past studies and recommendations have given varied information, which makes it difficult for the Council to make decisions.

Councilmember Hamilton said his main concern is how rate increases will affect residents during the difficult economy. He said he supports more gradual rate increases, and suggested the Council wait to implement increases until early 2011. City Administrator Morrison said the Council reviewed increases a year ago and chose not to make a decision because it was an election year. He said the Council could pass an ordinance now that is not effective until 2011. Deputy Mayor Swatman, Deputy Mayor Swatman suggested if the Council feels increases are necessary they may as well approve a small increase, such as 1%, immediately.

Mayor Johnson asked for direction from Council on how to proceed. Council consensus was to bring a separate ordinance for a grinder pump fee increase forward for action at the May 25, 2010 Meeting. Mayor Johnson said the Community Development Committee can continue discussions and bring additional increases back to Council for discussion if it wishes.

IV. Executive Session: None.

8:36:52

V. Adjournment:

At 8:36 p.m. Councilmember Rackley moved to adjourn the workshop. Councilmember Lewis seconded the motion.

Mayor Johnson said he will be unable to attend the May 25, 2010 Meeting.

Motion approved 7 – 0.

Harwood T. Edvalson, CMC
City Clerk

Neil Johnson, Jr.
Mayor

Items submitted to the Council Workshop of May 18, 2010:

- Pierce Transit – *Update on PT Tomorrow* – Pierce Transit Principal Planner Tina Lee.

DRAFT

CITY COUNCIL MEETING

**May 25, 2010
7:00 P.M.**



The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.

Website: www.ci.bonney-lake.wa.us

DRAFT MINUTES

"Where Dreams Can Soar"

Audio Time
Stamp ↓

Location: City Hall Council Chambers, 19306 Bonney Lake Blvd., Bonney Lake.

I. CALL TO ORDER – Deputy Mayor Dan Swatman called the meeting to order at 7:00 p.m.

A. Flag Salute: Deputy Mayor Swatman led the audience in the Pledge of Allegiance.

B. Roll Call:

Administrative Services Director/City Clerk Harwood Edvalson called the roll. In addition to Deputy Mayor Swatman, elected officials attending were Councilmember Laurie Carter, Councilmember Dan Decker, Councilmember Mark Hamilton, Councilmember Donn Lewis, Councilmember Randy McKibbin and Councilmember Jim Rackley. Mayor Neil Johnson, Jr. was absent.

[Staff members in attendance were City Administrator Don Morrison, City Engineer John Woodcock, Police Chief Mike Mitchell, Chief Financial Officer Al Juarez, Community Development Director John Vodopich, Community Services Director Gary Leaf, City Attorney Jim Dionne, Administrative Services Director/City Clerk Harwood Edvalson and Executive Assistant Brian Hartsell.]

C. Announcements, Appointments and Presentations:

1. Announcements: None.

2. Appointments:

a. **AB10-97** – A Motion of the Bonney Lake City Council Confirming the Mayor's Re-appointment of Darren Proctor to the Park Board.

**Councilmember Rackley moved to confirm the appointment.
Councilmember Carter seconded the motion.**

Motion approved 7-0.

3. Presentations:

a. **AB10-91** – 2010 Stormwater Pollution Prevention & Water Conservation Art Contest Award Presentation.

Deputy Mayor Swatman presented \$50 award checks to Kelsie Moore, Jamie Frees, Samantha Leader, Marisa Cella, Kyrie Owen, Macymarie Hagwood, Kortni Anderson, Liz Wetham, Andrew Johnson, Dominic Yorio, Jake Ayers and Ethan McElderry. Engineering Technician Andrew Fonda assisted Deputy Mayor Swatman with the awards and explained the timeline for production of a calendar featuring the winning artwork. He said the calendar should be available by the end of this year for the 2011 calendar year.

- D. Agenda Modifications: Councilmember Lewis asked that Item F on the Consent Agenda be pulled and considered under Full Council Issues. Deputy Mayor Swatman said it would be added as an item under that section of the meeting.

7:08:00

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

- A. Public Hearings: None.
- B. Citizen Comments:

Winona Jacobsen, 9100 189th Ave Ct E, addressed the need for a historic preservation element to the Comprehensive Plan. She reviewed past efforts to have the element acted on as an item on the Planning Commission's 2009 Workplan and added to the 2010 Workplan when the Commission was unable to address the element in the previous year. She acknowledged that a cultural resources element, which was intended to include historic preservation, was discussed at the Council retreat. She noted, however, it is still not included on the Commission's workplan for 2010.

The City Council briefly discussed the status of this issue for the Commission workplan. Several spoke in favor of its inclusion in the Comprehensive Plan. City Administrator Morrison explained that most cities do not include this issue as a formal element in their Comprehensive Plan as it is not one mandated under the Washington State Growth Management Act. He explained the administration further understands it was Council's intent to have the issue framed as the basis for a set of regulations imposing standards on developers. Deputy Mayor Swatman noted this topic is perhaps better discussed under the Planning Commission Workplan later on the agenda.

Fred Jacobsen, 9100 189th Ave Ct E, said GMA Goal #13 is Historic Preservation. He said it is not a mandatory item, but one that is recommended. He added he would like to see the City move forward following that option.

Sue Fredrickson, 2520 208th Ave. E., Lake Tapps, addressed her concern about the possible closure of the Sumner High School swimming pool. She said there are a number of unnecessary deaths in our community each year, adding that the pool is the only place in the area offering swimming lessons for our youth. She encouraged Bonney Lake, Sumner and Orting to work together with the school district to ensure the continued operation of the pool.

Deputy Mayor Swatman informed her that Mayor Johnson is working on this issue, and that several of the Councilmembers agree it is important.

Darcie Severson, 9920 192nd Ave. E., said she wished to address two issues. The first issue is to revise Chapter 6.04 of the Bonney Lake Municipal Code to make a distinction between fowl and humans as it relates to dangerous dogs. She said her second issue is to secure the immediate release of her family dog, which she believes is being illegally held by the Bonney Lake Police Department. She reviewed some of

the history behind the issues relating to the impoundment of her dog. She expressed her dismay that based on her understanding of the code, the City improperly impounded her dog for over 5 months.

Councilmember Hamilton noted the Public Safety Committee is already working on Chapter 6.04. He expressed appreciation for making the Council aware of her concerns and congratulated her on her level of research and preparation. He invited her to appear before the Committee with her research. Deputy Mayor Swatman encouraged the Committee to bring appropriate information back to a future workshop where the Council can determine whether this issue needs to be forwarded to the Planning Commission.

- C. Correspondence: Deputy Mayor Swatman noted the Council received email correspondence from Maryanne Zukowski suggesting changes to the City's nuisance ordinances. He urged Councilmembers to observe the basis for her concerns on McGhee Road. Councilmember Hamilton added the Public Safety Committee will look into this.

7:31:07

III. COUNCIL COMMITTEE REPORTS:

- A. Finance Committee: Deputy Mayor Swatman said the committee met at 5:30 p.m. earlier in the evening and discussed personnel updates, an agreement for installation of additional fiber optic cable for communications, purchase of a paving compactor, an interlocal agreement with the Town of Ruston for services, the amendment of a water agreement with the Fesslers, and an application for a Pierce County Conservation Futures Grant.
- B. Community Development Committee: Councilmember Rackley said the committee met on May 17th. He said the content of their discussion items is available in the Committee's minutes on the City website. He added that AB10-85 and AB10-89 were considered by the Committee and forwarded to the Consent Agenda for this meeting.
- C. Public Safety Committee: Councilmember Hamilton said the committee has not met since their last report.
- D. Other Reports:

Councilmember Carter reported that she and Deputy Mayor Swatman, Councilmembers Lewis and Rackley and City Administrator Morrison attended the Families First Key Leaders Conference at White River School District. She said the topics discussed were the Buckley Youth Center, Bonney Lake YMCA, community planning and business development, tackling drugs and alcohol, community safety and crime prevention and school environment and student voice. She added that a lot of the information shared was similar to information gathered in the Sumner School District youth forums. She said the kids in both school districts share many of the same concerns and interests.

7:34:09

IV. CONSENT AGENDA:

- A. **Approval of Minutes:** May 4, 2010 Council Workshop and May 11, 2010 Council Meeting Minutes.
- B. **Accounts Payable Checks/Vouchers:** Accounts Payable checks/vouchers #58570 thru 58614 (including wire transfer #'s 5032010) in the amount of \$572,198.87. Accounts Payable checks/vouchers #58615 thru 58617 for hydrant meter deposit refunds in the amount of \$864.22. Accounts Payable checks/vouchers #58618 for earnest money in the amount of \$5,000.00. Accounts Payable checks/vouchers #58619 thru 58671 (including wire transfer #'s 5132010 & 5142010 in the amount of \$211,471.39. Accounts Payable checks/vouchers #58672 for a Utility Refund in the amount of \$399.29.
- C. **Approval of Payroll:** Payroll for May 1-15th 2010 for checks 28985-28920 including Direct Deposits and Electronic Transfers in the amount of \$ 396,621.12.
- D. ~~**AB10-85 – Resolution 2037**~~ A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The City To Purchase A Used Paving Compactor From NC Machinery For \$33,627. (Moved as Item C under Full Council Issues.)
- E. **AB10-89 – Resolution 2040** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing A Contractor Agreement With Doolittle Construction, LLC For The 2010 Chip Seal Application.
- F. ~~**AB10-95**~~ A Motion of the Bonney Lake City Council to Approve the 2010 Planning Commission Workplan. (Moved as Item B under Full Council Issues.)

Deputy Mayor Swatman reminded the Council that AB10-85 – Resolution 2037 was moved to the Full Council Issues portion of the meeting where it would most likely be tabled. Councilmember Lewis asked for clarification on the ordering of the Full Council Issues. Deputy Mayor Swatman said AB10-85 would become Item B and AB10-95 would become Item C.

Councilmember Decker moved to approve the Consent Agenda as modified. Councilmember Lewis seconded the motion.

Consent Agenda as modified approved 7-0.

7:35:22

V. FINANCE COMMITTEE ISSUES:

- A. **AB10-93 – Resolution 2043** – A Resolution Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign An Agreement To Amend Agreement For Water Service With Joseph And Stephanie Fessler.

Councilmember Decker moved to approve Resolution 2043. Councilmember Lewis seconded the motion.

Resolution 2043 approved 7-0.

- B. **AB10-96** – A Motion of the Bonney Lake City Council Authorizing the City to Submit a Grant Application to Pierce County for a Pierce County Conservation Futures Grant.

Councilmember Decker moved to approve the motion. Councilmember Carter seconded the motion.

Executive Assistant Brian Hartsell explained this grant would be used to acquire 97 acres of property along Fennel Creek adjacent to the 20 acres recently acquired by WSDOT for mitigation of the SR410 widening project. He said the County will review applications in July, and any grant awarded to the City will be returned for Council consideration. Responding to Council questions, Mr. Hartsell explained that limited active recreation can be negotiated up-front in the grant program; otherwise the City would be limited with passive uses on the property. Director Gary Leaf pointed out that no advance planning has been done for use of the parcels, but the staff wanted to preserve the option for active recreation uses for master planning purposes later on. He assured Council that the conservation restrictions would be recorded with the land and continues in perpetuity. At Council’s request, he said he would look into whether the property could be used for wetlands banking.

Motion approved 7-0.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

7:44:30

VIII. FULL COUNCIL ISSUES:

- A. **AB10-59 – Ordinance 1350** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Section 13.12.090 Of The Bonney Lake Municipal Code And Ordinance No. 561 Relating To Grinder Pump Service Charges.

Deputy Mayor Swatman said he supports this ordinance because the City provides a very specific identifiable service to repair and service grinder pumps during emergencies. He said this action will provide a more equitable recovery of the service costs for the City. He added that individuals could avoid this fee altogether if they wish to take over the ownership and service of their grinder pumps.

Councilmember Lewis moved to approve Ordinance 1350. Councilmember Decker seconded the motion.

Ordinance 1350 approved 7-0.

- B. **AB10-95** – A Motion of the Bonney Lake City Council to Approve the 2010 Planning Commission Workplan.

Councilmember Decker moved to approve the motion. Councilmember Lewis seconded the motion.

Councilmember Decker moved to substitute the version of the Council Workplan distributed at this meeting as the version under Council consideration. Councilmember Lewis seconded the motion.

Motion to substitute approved 7-0.

The City Council discussed the changes between the version provided in the Council packet and the one distributed for Council consideration this evening. Councilmember Decker observed that the topic of Title 16 was removed as Council directed at the May 4th Workshop, and the Mid-town plan was added as requested. He noted the Cultural Resource Plan was moved from year 2011 to 2010. Director John Vodopich said the standards for nightclubs were also clarified regarding the need for standards regarding acoustics and barriers adjacent to residential areas. Director Lewis asked if the cultural resources plan needs a priority on the workplan. Councilmember McKibbin said a priority should be assigned. Councilmembers Hamilton, Rackley, Carter and Lewis spoke in favor of having the cultural resource plan to be part of the Comprehensive Plan.

Councilmember Lewis moved to modify the workplan to show the cultural resources plan as scheduled for completion in the third quarter and assigned a medium priority and that the notes should include the statement “historical significant items.” Councilmember Decker seconded the motion.

Motion to amend approved 7-0.

Councilmember Hamilton moved that the cultural resource element be made a part of the City’s Comprehensive Plan. Councilmember Decker seconded the motion.

Motion to amend approved 7-0.

Main motion on the substitute workplan as amended approved 7-0.

- C. **AB10-85 – Resolution 2037** – A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The City To Purchase A Used Paving Compactor From NC Machinery For \$33,627.

Deputy Mayor Swatman noted the administration requests the item be tabled to the next full meeting of the Council.

Councilmember Decker moved to table Resolution 2037 to the June 8, 2010 Council meeting. Councilmember Lewis seconded the motion.

Motion to table approved 7-0.

IX. EXECUTIVE SESSION: None.

7:58:44

X. ADJOURNMENT:

**At 7:58 p.m., Councilmember Hamilton moved to adjourn the meeting.
Councilmember Lewis seconded the motion.**

Motion approved 7-0.

Harwood Edvalson, CMC
City Clerk

Neil Johnson
Mayor

Items submitted to the Council Meeting of May 25, 2010:

- Citizen of Bonney Lake – Email Correspondence: *City Council Meeting May 25, 2010 – Public Comment Planning Commission Work Plan Nuisance Ordinance Revisions* – Maryanne Zukowski
- Citizen of Bonney Lake – *Printed Public Comments: Revise Chapter 6.04* – Darcie Severson.

**City of Bonney Lake, Washington
City Council Agenda Bill (C.A.B.) Approval Form**

<u>Department / Staff Contact:</u> Exec /	<u>Workshop / Meeting Date:</u> 01 Jun 2010	<u>Agenda Bill Number:</u> AB10-74
<u>Ordinance Number:</u> D10-74	<u>Resolution Number:</u>	<u>Councilmember Sponsor:</u>

Agenda Subject: Update of the Sign Code to allow nonpolitical campaign signs in the right-of-way

Proposed Motion: AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, UPDATING THE SIGN CODE TO ALLOW NONPOLITICAL CAMPAIGN SIGNS IN THE RIGHT OF WAY

Administrative Recommendation:

Background Summary: Various community organizations have expressed an interest in the ability to post signs in visible areas throughout the city. Our current sign code does not allow for this use. The draft ordinance attempts to allow reasonable and limited posting of community signs.

The draft Ordinance reflects the Council deliberations at the April 20, 2010 workshop - allow signs to be placed on private property; allow signs to be posted 14 days prior to the event; and removal of the signs must occur within 48 hours following the event and revises the 'purpose' section to eliminate an incomplete sentence.

The Deputy Mayor will be proposing a map which will identify specific intersections where such signs will be allowed.

The City Attorney has revised the draft Ordinance.

<u>BUDGET INFORMATION:</u>			
Budget Amount	Required Expenditure	Budget Impact	Budget Balance
Budget Explanation:			

<u>COMMITTEE/BOARD REVIEW:</u>
Subcommittee Review Date: -
Commission/Board Review Date: -
Hearing Examiner Date:

<u>COUNCIL ACTION:</u>	
Workshop Date(s): April 20, 2010, May 4, 2010, June 1, 2010	Public Hearing Date(s):
Meeting Date(s): April 27, 2010	Tabled To Date:

Signatures:

Director Authorization	Mayor	Date City Attorney Reviewed May 21, 2010
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[COMMENT: The proposed ordinance currently includes the entire BLMC section that addresses signs. The form of the proposed ordinance is expected to change after discussion at the Council meeting, to reflect decisions of the Council with respect to the proposed revisions.]

ORDINANCE NO. ____
AN ORDINANCE OF THE CITY OF BONNEY LAKE, PIERCE COUNTY,
WASHINGTON, AMENDING CHAPTER 15.28 BLMC.

WHEREAS, the City of Bonney Lake wishes to preserve the aesthetic nature of its community; and

WHEREAS, the City wishes to prevent distraction of motorists and preserve the safety of its residents and those using the City's streets, roads, and highways; and

WHEREAS, the State Environmental Policy Act has been complied with through the issuance of a Determination of Non-Significance;

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

Section 1. Chapter 15.28 of BLMC is hereby amended to read as follows. ~~Strikethroughs~~ indicate deletions, underlines indicate additions.

Article I. Purpose and Scope

15.28.010 Purpose.

The overall purpose of this chapter is to enhance and maintain the aesthetic character, to promote the public health, safety and general welfare, and to increase the effectiveness of visual communication in the city. This chapter is also intended to avoid visual clutter that may adversely impact traffic and pedestrian safety, or be adverse to property values, business opportunities and the city's appearance and to prevent and abate public nuisances. The purpose of this chapter is implemented by controlling the construction, location, use and maintenance of all signs and sign structures. It is also the intent of this chapter to afford noncommercial speech the same or greater protection afforded commercial speech and to not regulate noncommercial speech to a stricter standard than commercial speech. The primary purpose of this chapter shall be to regulate the type, placement, and physical dimensions of signs within the different land use zones through implementation of the goals, objectives, and policies of the city's comprehensive plan as amended from time to time including, without limitation, the community character and design element of the plan. This is intended to recognize the commercial communication requirements of all sectors of the business community, encourage the innovative use of design, promote both renovation and proper sign maintenance, allow for special circumstances as determined by the sole discretion of the planning and community development director or administrative designee, and promote a positive visual image of the city and protect property values by encouraging signs that are

appropriate and consistent with surrounding buildings and landscape in both scale and design, the size of the subject property and building, and the amount of street frontage adjacent to the subject property. These purposes shall be accomplished by regulation of the display, construction, use, and maintenance of signs. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this chapter. (Ord. 880 § 1, 2001; Ord. 614 § 1.01, 1989).

15.28.020 Scope.

The primary intent of this chapter shall be to regulate signs intended to promote commercial, retail, or other business purposes, or be viewed by pedestrians or be visible from any vehicular right-of-way. This chapter shall not relate to building design nor shall this chapter regulate official traffic or government signs; the copy and message of signs; signs not visible from a public right-of-way; window displays; product dispensers and point of purchase displays; score boards on athletic fields; flags of any nation, government, or noncommercial organization; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

Thus, the primary intent of this chapter shall be to regulate signs of a commercial nature intended to be viewed from any vehicular public right-of-way. (Ord. 880 § 1, 2001; Ord. 614 § 1.02, 1989).

Article II. Definitions

15.28.030 Definitions.

Certain terms are defined for the purposes of this chapter as follows:

“Abandoned sign” means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.

“Administrator” means the planning and community development director or his designated representative.

“Ambient light” means surrounding or environmental light that is everywhere equally intense and has no directionality.

“Animated sign” means any sign which uses movement or change of lighting to depict action or to create a special effect or scene (compare “flashing sign”).

Area. (See “Sign, area of.”)

“Awning” means a shelter projecting from and supported by the exterior wall of a building, constructed of nonrigid materials on a supporting framework (compare “marquee”).

“Awning sign” means a sign painted on, printed on, or attached flat against the surface of an awning.

“Banner sign” means a sign made of fabric or any nonrigid material with no enclosing framework.

Billboard. (See “Off-premises sign.”)

“Building” means as defined in Section 403 of the Uniform Building Code.

“Changeable copy sign (automatic)” means a sign on which the copy changes automatically on a lampbank or through mechanical means, e.g., electrical or electronic time and temperature units.

“Changeable copy sign (manual)” means a sign on which copy is changed manually in the field, e.g., readerboards with changeable letters.

City. Unless the context clearly discloses a contrary intent, the word “city” means the city of Bonney Lake.

“Civic organization” means an organization which is formed for civic purposes.

“Clearance (of a sign)” means the smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

“Construction sign” means a temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

“Copy” means the wording on a sign surface in either permanent or removable letter form.

“Directional/informational sign” means an on-premises sign which is located to guide or direct pedestrian or vehicular traffic to parking entrances, exits, and service areas giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs.

“Double-faced sign” means a sign with two faces.

“Electrical sign” means a sign or sign structure in which electrical wiring, connections or fixtures are used.

“Electronic message center” means an electronically activated sign whose message content, either whole or in part, contains only text and may be changed by means of electronic programming.

“Facade” means the entire building front including the parapet.

“Face of sign” means the area of a sign on which the copy is placed.

“Festoon” means a string of ribbons, tinsel, small flags, or pinwheels.

“Flashing sign” means a sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing or intermittent light (compare “animated sign,” “changeable copy sign”).

“Freestanding sign” means a sign supported upon the ground by poles or braces and not attached to any building.

“Frontage” means the length of the property line of any one premises along a public right-of-way on which it borders.

“Frontage, building” means where the main entrance is located on a facade which is visible from a public or private street, parking lot, or highway.

“Government sign” means any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

“Height (of a sign)” means the vertical distance from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less (compare “clearance”).

“Identification sign” means a sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

“Illegal sign” means a sign which does not meet the requirements of this code and which has not received legal nonconforming status.

“Illuminated sign” means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

“Incidental sign” means a small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

“Interactive sign” means an electronic or animated sign that reacts to the behavior or electronic signals of drivers.

“Lot” means a parcel of land legally defined on a subdivision map recorded with the assessment department or land registry office, or a parcel of land defined by a legal record of survey map.

“Maintenance” means the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

“Message,” pertaining to electronic signs, means a text message, image, or combination thereof meant to be comprehended as a whole by the viewer. Each sentence or simple concept shall be

deemed a separate message. A message can either be a static display or a display which, not fitting onto the screen all at once, is broken into parts which appear sequentially, appearing on or scrolling across the screen. Electronic signs are capable of changeable messages.

“Monument sign” means a freestanding sign having the appearance of a solid base of landscape construction materials such as brick, stucco, stonework, textured wood, tile or textured concrete materials harmonious with the material of the primary structure on the subject property.

“Multiple-building complex” means a group of structures housing at least one retail business, office, commercial venture or independent or separate part of a business which shares the same lot, access and/or parking facilities.

“Multiple-tenant building” means a single structure housing more than one retail business, office or commercial venture but not including residential apartment buildings.

“Nameplate” means a nonelectric on-premises identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

“Nit” means a luminance unit equal to one candle per square meter measured perpendicular to the rays from the source.

“Nonconforming sign” means a sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations; a sign which does not conform to the sign code requirements but for which a special permit has been issued.

“Occupancy” means the portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

“Off-premises sign” means a sign structure advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., “billboards” or “outdoor advertising.”

“On-premises sign” means a sign which pertains to the use of the premises on which it is located.

“Outdoor vendor sign” means a temporary, movable A-frame sign which is used for temporary outdoor vendors such as Christmas tree lots, fruit stands, and farmers’ markets (compare “real estate sign, off-premises” and “real estate directional sign”).

“Owner” means a person recorded as such on official records. For the purposes of this chapter, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the administrator, e.g., a sign leased from a sign company.

“Painted wall sign” means a sign which is applied with paint or similar substance on the face of a wall.

“Parapet” means the extension of a false front or wall above a roofline.

“Pennant” means any long, narrow, usually triangular flag.

“Person” means any individual, corporation, association, firm, partnership, or similarly defined interest.

“Pixel” means the basic unit of the composition of an image on an electronic sign.

“Point of purchase display” means advertising of a retail item, accompanying its display, e.g., an advertisement on a product dispenser.

“Pole cover” means covers enclosing or decorating poles or other structural supports of a sign.

“Political sign” means a temporary sign used in connection with a local, state, or national election or referendum.

“Portable sign” means any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

“Premises” means a parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

“Projecting sign” means a sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

“Readerboard, portable” means a sign face, illuminated or nonilluminated, which is designed to hold readily changeable sign graphics allowing frequent changes of copy.

“Real estate directional sign” means a portable and temporary directional sign which is intended to assist in finding the location of a difficult to locate property which is for sale or rent.

“Real estate sign” means a temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

~~“Real estate sign, for sale/rent/lease” means an on-premises sign advertising that the property is for sale, rent, or lease.~~

~~“Real estate sign, off-premises” means a portable and temporary sign advertising a property which is for sale, rent, or lease located off the site which is for sale, rent, or lease.~~

~~“Real estate sign, on-premises” means a portable and temporary sign advertising a property which is for sale, rent, or lease located on the site for sale, rent, or lease. This includes temporary signs located at the entrance of subject developments advertising the sale of lots, subdivisions, houses, or~~

~~dwelling units.~~

“Right-of-way” means land privately owned, or dedicated to the public, which is primarily for the movement of vehicles, wheelchairs, and pedestrian traffic.

“Roof sign” means any sign erected over or on the roof of a building (compare “wall sign”).

“Roofline” means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

“Sandwich board/sidewalk sign” means a portable sign consisting of two sign faces hinged at the top and separated at the bottom to make it self-standing.

“Searchlight” means an apparatus containing a light and reflector on a swivel, for projecting a strong, far-reaching beam in any direction.

“Service organization sign” means a sign sponsored by service or civic organizations, clubs and similar organizations located in the city of Bonney Lake.

“Sign” means any device, structure, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods, or services (compare BLMC 15.28.020).

Sign, Area of.

1. “Projecting and freestanding signs” means the entire area of a sign, on which graphics, letters, figures, symbols, trademarks and/or written copy is to be placed, excluding sign structure, architectural embellishments, and framework. Sign area is calculated by measuring the perimeter enclosing the extreme limits of the module or sign face containing the graphics, letters, figures, symbols, trademarks, and/or written copy.
2. “Wall, canopy, or awning signs” means the area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message; provided, however, that individual letters, numbers, or symbols using a wall, canopy, or awning as background have sign area calculated by measuring the perimeter enclosing each letter, number, or symbol.

“Special event” means ~~temporary signs including posters, flags and pennants; which are not the primary identification for the organization or product advertised; and which are primarily intended for short-term promotional periods in connection with a specific event. a business or use event such as a grand opening, celebration, holiday, or promotional period beginning on or shortly after the date of the event. Grand opening events must be related to: a change of business location; construction of a new business structure; major remodeling; change of ownership; change of name; or change in type of business engaged in by an existing business.~~

“Subdivision identification sign” means a monument or wall sign identifying a recognized subdivision, condominium complex, or residential development.

“Temporary sign” means a sign not constructed or intended for long-term use or permanent use.

“Under-canopy sign” means a sign suspended beneath a canopy, ceiling, roof, or marquee.

“Use” means the purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.

“Video” means a high-resolution, high-frames-per-second motion picture display.

“Wall sign” means a sign attached parallel to and extending not more than 12 inches from the wall of a building. This definition includes painted, individual letter, cabinet signs, and signs on a mansard roof.

“Window sign” means a sign installed inside a window and intended to be viewed from the outside. (Ord. 1285 § 1, 2008; Ord. 880 § 1, 2001; Ord. 614 § 2, 1989).

Article III. General Provisions

15.28.040 Compliance with code required.

It is hereafter unlawful for any person to install, replace, repair or maintain a sign in the city except in accordance with the provisions of this chapter. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this chapter. Any sign in violation of any provision of this chapter may be removed and may result in an assessment in the cost of removal pursuant to Chapter 14.130 BLMC. (Ord. 880 § 1, 2001; Ord. 614 § 3, 1989).

15.28.050 Permits required – Criteria.

A. Unless otherwise provided by this chapter, permits shall be required for all signs with appropriate payment of fees as described in Chapter 3.68 BLMC. No permit is required for the repair or maintenance of any sign for which a permit has previously been obtained pursuant to this chapter, or for a change of copy on painted, printed, or changeable copy signs.

B. The criterion for issuance of permits shall be compliance with this chapter. (Ord. 988 § 2, 2003; Ord. 880 § 1, 2001; Ord. 614 § 3.02, 1989. Formerly 15.28.060).

15.28.060 Permit application.

To obtain a permit required by this chapter, the applicant shall pay all applicable fees and costs and file an application which shall include the following:

- A. A completed building permit application in a form, as determined by the director of planning and community development, which shall include the name and address of the owner of the sign, street address or location of the property on which the sign(s) are to be located, and the name and address of the property owner;
- B. The identification of the type of sign or sign structures as defined in this chapter;
- C. A site plan, drawn to scale, showing all existing buildings on the site, the proposed location of the sign(s) in addition to the location and area of all existing sign(s) on the same premises or building;
- D. A landscape and irrigation plan, drawn to scale, for freestanding sign(s);
- E. Specifications and elevations, drawn to scale, showing dimensions, materials, color, and design of all proposed sign(s);
- F. Specifications and drawings, to scale, showing the structural supports and electrical components of the proposed sign(s); and
- G. Such other information as the director of planning and community development requires to meet the intent of this code. (Ord. 880 § 1, 2001; Ord. 614 § 7.02, 1989. Formerly 15.28.220).

15.28.070 Signs prohibited.

The following types of signs are prohibited in all districts:

- A. Abandoned signs;
- B. Banners, pennants, festoons, searchlights (except as allowed in BLMC 15.28.090);
- C. Signs imitating or resembling official traffic or government signs or signals;
- D. Signs attached to trees, utility poles, public benches, light standards, or placed on any public property or in any public right-of-way except as allowed in subsection F of this section;
- E. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign (this does not apply to allowed portable signs or to signs or lettering on buses, taxis, or vehicles operating during the normal course of business);
- F. Signs, other than political and government signs, which are placed in or extend over a public right-of-way except ~~government signs~~ or as otherwise allowed in this chapter or as may be approved by the director(s);

G. All portable and semi-portable readerboard signs;

H. All off-premises signs except as otherwise allowed in this chapter;

I. Any sign which constitutes a traffic hazard or detriment to traffic safety by reason of its size, location, movement, coloring, or method of illumination, or by obstructing the vision of drivers, or detracting from the visibility of any official traffic control device by diverting or tending to divert the attention of drivers of moving vehicles from traffic movement on streets, roads, intersections, or access facilities. No sign shall be erected so that it obstructs the vision of pedestrians by glare or method of illumination or constitutes a hazard to traffic. No sign may use words, phrases, symbols or characters in such a manner as to interfere with, mislead, or confuse traffic;

I.J. Signs which are structurally, materially or electrically defective, or which do not structurally or materially conform to the requirements of the city's adopted International Building Code, or which endanger the public; and

JK. Interactive signs, other than those used for public safety as determined by the director. (Ord. 1285 § 2, 2008; Ord. 988 § 2, 2003; Ord. 880 § 1, 2001; Ord. 614 § 3.01, 1989. Formerly 15.28.050).

15.28.080 Signs not requiring permits.

The following types of signs are exempt from permit requirements but shall be in conformance with all other requirements of this chapter and with this section:

A. Civic Organization Signs. Nonilluminated permanent signs used by churches, schools, or civic organizations not over 12 square feet in area. ~~when the Such signs is must be~~ located on the institution's premises.

B. Construction/Contractor Signs. One construction sign for each street frontage of a construction project, not to exceed six square feet per face in area in residential zones or 24 square feet in area in all other zones. Such signs may be erected seven days prior to commencement of construction and may be removed within seven days following completion of construction or issuance of the final certificate of occupancy. ~~In addition, failure to remove signs within 48 hours following completion of the project~~ Any such sign in violation of these requirements may be removed and may result in an assessment in the cost of their removal pursuant to Chapter 14.130 BLMC.

C. Directional/Informational Signs. ~~May not exceed a total of two or less square feet per face and 10 feet in height. In addition, failure to remove signs within 48 hours following completion of event or activity may result in an assessment in the cost of their removal pursuant to Chapter 14.130 BLMC.~~

D. Garage/Yard Sale Signs. A maximum of two movable A-frame signs or signs on stakes

may be placed along the periphery of a public right-of-way, provided it does not interfere with traffic safety consistent with BLMC 15.28.070, ~~on rights-of-way for any garage/yard sale.~~ Such signs shall only be displayed between dawn and dusk on the days of the sale. A maximum of four square feet per face is allowed. Any such sign in violation of these requirements may be removed and may result in an assessment in the cost of their removal in accordance with Chapter 14.130 BLMC. ~~Garage/yard sale signs are not allowed to be affixed to utility poles or light standards and traffic signs. In addition, failure to remove signs within 48 hours following completion of event or activity may result in an assessment in the cost of their removal pursuant to Chapter 14.130 BLMC.~~

E. Incidental Signs. Incidental signs and sandwich board signs are permitted in all commercial and manufacturing zones not to exceed eight square feet in aggregate sign area per occupancy. A double-sided sandwich board with no other incidental sign may be no greater than two feet by two feet. A single-sided sandwich board with no other incidental sign may be no greater than four feet by two feet. Sandwich board signs are to be maintained on the business' premises, not in a public right-of-way.

F. Nameplates. Nameplates identifying the occupant of a residence or business office shall not exceed two square feet in area per face.

G. Political Signs. Political signs may be permitted up to a maximum of four square feet per face in area without a sign permit. In no case shall political signs in rights-of-way exceed four square feet in area. Political signs may be removed within seven days following the election or referendum for which they were posted, except that signs promoting successful candidates in a primary election may remain displayed until seven days following the subsequent general election. Such signs shall not be posted on any public utility pole, public building, public information or traffic sign, or public structures. Political signs may be placed on parking strips/public rights-of-way where such signs are installed pursuant to the permission of the owner of the property abutting said parking strip and within public rights-of-way; provided, that they are installed in such a manner as not to constitute a traffic hazard or impair or impede pedestrian thoroughfares. Political signs may be placed on private property only with the permission of the property owners. Spacing of signs and total numbers of signs are not regulated. Any such sign in violation of these requirements may be removed and may result in an assessment in the cost of their removal pursuant to Chapter 14.130 BLMC.

H. Public Signs or Notices. Public signs or notices such as, but not limited to, notice of land use action signs, posted by the city of Bonney Lake, or any sign relating to an emergency.

I. Real Estate Signs.

1. Residential “for sale or rent” 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 entirely on the property for sale, and not to exceed a height of eight feet. Such sign

shall be removed by the owner or agent within seven days of the sale closing date or the occupancy of the rental unit.

2. Residential directional “open house” signs: such signs 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/she 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 six square feet in sign area per side and eight feet in height. The sign may be placed along the periphery of a public right-of-way, provided it does not interfere with traffic safety consistent with BLMC 15.28.070.

3. Commercial and industrial property “for sale or rent” signs: one sign per street frontage advertising undeveloped commercial and industrial property for sale or for rent is permitted while the property is actually for sale or rent. The sign shall not exceed 24 square feet in sign area per side and eight feet in height and must be placed entirely on the property for sale. Such sign shall be removed by the owner or agent within seven days of the sale closing date or the occupancy of the rental unit.

~~Subdivision Signs, Off-Premises. A maximum of one off-premises temporary sandwich board sign per direction-altering intersection (intersection in which the home-shopper would have to alter direction) per residential subdivision or group of residences, not to exceed six square feet in sign area per face, shall be permitted. The following conditions shall apply to all off-premises real estate signs: the signs shall be displayed only during the time that the premises are actually being shown for “open house” and shall not be placed so as to cause a hazard (for example, blocking sight distances at intersections); the signs shall only be displayed between dawn and dusk; no more than one sign per property at any street intersection shall be permitted for any developer, broker, or seller; signs cannot be located within the public right-of-way. In addition, failure to remove signs the same day of event or activity such as an open house may result in an assessment in the cost of their removal pursuant to Chapter 14.130 BLMC.~~

~~J. Real Estate Signs, Group Sale/Rent/Lease. Signs advertising the sale of lots and/or houses in a subdivision or multifamily units may be located at the entrance of the development; provided, that no more than one such sign no larger than 12 square feet in area per face, and eight feet in height, may be installed at one time at any entrance. The signs shall not be located on a public right-of-way. The maximum duration for any such sign shall be two years or whenever the property advertised is sold, rented, or leased, whichever occurs first. The applicant may request one extension not to exceed one year; otherwise the sign may be removed.~~

~~K. Real Estate Signs, Residential Individual Sale/Rent/Lease. Such signs shall not exceed six square feet in area per face. Only one sign is permitted per street frontage. Sign height~~

shall not exceed eight feet. Any such sign shall not be located within a public right-of-way. Such sign shall advertise only the property on which the sign is located, and the sign may be removed by the owner or agent within seven days of the sale closing date or the occupancy of the rental unit.

L. Real Estate Signs, Commercial Individual Sale/Rent/Lease. Signs advertising commercial or industrial property shall not exceed 24 square feet in area per face. Only one sign is permitted per street frontage. Sign height shall not exceed eight feet. Such signs shall be located completely on the property for sale, rent, or lease and are not permitted within a public right-of-way. Such signs may only be displayed while the building or portion thereof is actually for sale, rent, or lease, and the sign may be removed by the owner or agent within seven days of the sale closing date.

MJ. Window Signs. Signs installed inside a window of a business establishment which are intended to be viewed from the outside and which are only legible from a distance of eight feet or less. (Ord. 1230 § 16, 2007; Ord. 880 § 1, 2001; Ord. 614 § 3.03, 1989. Formerly 15.28.070).

15.28.090 Temporary permits.

A. Application may be made along with required permit fees to the department of planning and community development for a temporary permit for the following purposes:

A1. Special Event Signs. Temporary, special event sign(s) and decorations are allowed by the director of planning and community development for special events, grand openings, or holidays. Such signs and decorations may be used for a period of not exceeding 14 consecutive days and only two such permits shall be issued to any one person/organization per calendar year. Such signs must be removed signs within 48 hours following completion of event or activity. Any such sign in violation of these requirements may be removed and may result in an assessment in the cost of their removal pursuant to Chapter 14.130 BLMC.

[FOR DISCUSSION. The proposed revision expands the definition of “special event” include non-commercial entities like churches and schools along with commercial businesses. All entities would be able to apply for a temporary permit, allowing the entity to use short-term special event signs. The following are location options within the City for permitted use of “special event signs”:

- i. On-premise only;**
- ii. A limited number of specified locations within the City;**
- iii. Any sidewalk; or**
- iv. Any public right-of-way (not recommended by City Attorney).]**

B2. Outdoor Vendor Signs. A maximum of two movable sandwich board signs are allowed on the premises for temporary outdoor vendors, that is Christmas tree lots,

fruit stands, and farmers' markets, in the DC, DM, C-2, C-3, C-2/C-3 combined and M-1 zone classifications. Such signs are limited to a maximum of six square feet in area per face and a maximum height of four feet. Such signs are permitted for a duration of 120 days within a one-year period. Such signs are not permitted in any public right-of-way. Such signs are prohibited on the roof of any temporary or permanent building, trailer, or vehicle used by the vendor. All outdoor vendor signs shall be designed to fit with the community character and be constructed of durable materials such as metal, wood, or plastic. Such signs must be removed within 48 hours of the completion of the event or activity. Any such sign in violation of these requirements may be removed and may result in an assessment in the cost of their removal pursuant to Chapter 14.130 BLMC.

B. Permit Application. The applicant shall file an application for a temporary permit which shall include the following:

1. A completed permit application on a form provided by the planning and community development department including the name and address of the owner of the sign, street address or location of the property on which the sign(s) are to be located, and the name and address of the property owner.
2. The identification and description of all proposed sign(s), as part of the temporary permit.
3. A site plan or map, drawn to scale, showing all existing buildings on the site, the proposed location(s) of the sign(s) in addition to the location(s) and area(s) of all existing sign(s) on the same premises or building.
4. In addition to items listed above, applicant will be required to pay all review fees (BLMC 3.68.010) and permit fees.

C. Appeal. An individual or organization who is denied a temporary permit under this section may appeal such denial. Such appeal must be filed with the planning and community development department and must be in writing, explaining the reason for the appeal. Such appeal must be filed within 2 business days of the temporary permit decision. The City Administrator will review the written appeal and issue a written determination within 2 business days. The individual or organization may appeal the determination of the City Administrator to a hearing examiner pursuant to the procedures and deadlines of BLMC 14.120.020. (Ord. 1230 § 17, 2007; Ord. 1155 § 6, 2005; Ord. 988 § 2, 2003; Ord. 880 § 1, 2001).

Article IV. Regulation of On-Premises Signs by District

15.28.100 Signs permitted in residential districts and public facilities district.

A. Signs are allowed as follows in R-1, R-2, R-3, and RC-5 residential districts and in the

public facilities district:

1. All signs as permitted in BLMC 15.28.080, unless specifically prohibited by this section;
2. One permanent, nonelectric subdivision identification sign per neighborhood, subdivision, development, apartment, or condominium complex per main entrance not to exceed 32 square feet in sign area per face and six feet in height. Such sign may be indirectly lighted;
3. Churches, schools, city parks, fire stations, police stations, municipal buildings, public libraries, community centers and other similar uses may have no more than one monument or one wall sign for each street frontage. A monument or wall sign shall not exceed 32 square feet per face in area and shall not exceed six feet in height;
4. Home occupations (see BLMC 18.22.010) may, unless restricted by any applicable protective covenants, have one unlighted sandwich board sign not over eight square feet in area counting both sign faces, with permanent letters. The sign shall be on the premises, not on public right-of-way nor attached to any structure, and may be removed from sight during non-business hours. (Ord. 1112 § 2, 2005; Ord. 880 § 1, 2001; Ord. 614 § 4.02, 1989. Formerly 15.28.130).

15.28.110 Signs permitted in commercial and light industrial districts.

A. Signs are allowed as follows in DC, DM, C-1, C-2, C-3, and C-2/C-3 combined commercial and M-1, light industrial, warehousing, and heavy commercial sales districts:

1. All signs as permitted in BLMC 15.28.080 unless otherwise noted;
2. Freestanding, wall, roof, projecting, and under-canopy sign(s) per business establishment, not to exceed one and one-half square feet in combined sign area for each linear foot of building frontage up to a maximum of 150 square feet;
3. Each multi-tenant building or building complex shall be permitted one freestanding directory sign not to exceed 100 square feet. The directory sign shall identify two or more tenants and/or the complex as a whole. The directory sign shall be considered additional permitted signage, allowed beyond the limitations of subsection (A)(2) of this section. If a tenant in a multi-tenant building or multi-building complex has a sign on the freestanding directory sign then the tenant shall not have an individual freestanding sign;
4. On a business, multi-tenant building or multi-building complex with total frontage on the main street of more than 300 feet, the business, multi-tenant building or multi-building complex shall be allowed one additional freestanding

directory sign for each 300 feet of frontage, not to exceed 50 square feet. Each sign shall be placed not less than 150 feet apart;

5. Animated and electronic message center signs provided the requirements of BLMC 15.28.115 are met.

B. Special regulations and allowances for commercial and light industrial districts are as follows:

1. Setbacks Required. All permitted freestanding signs shall have a setback of 20 feet from the SR 410 right-of-way. If a monument sign is used, the sign may be located within 10 feet of the SR 410 right-of-way. Signs shall have a setback of five feet from all other rights-of-way and be subject to required sight distance criteria.

2. Height. Maximum height for freestanding signs shall not exceed 20 feet; maximum height for monument signs shall not exceed 14 feet. Freestanding and under-canopy signs shall have a minimum clearance of 14 feet over any parking area and eight feet over any pedestrian area such as a sidewalk.

3. Sign Area Bonus. The total sign area may be increased by 25 percent if the business uses only wall signs. Animated signs are not included and do not qualify for bonus increase.

4. Animated signs and electronic message centers shall not be allowed in commercial and industrial zoning districts if the proposed sign location is within 200 feet measured in any direction from a residential zoning district and the sign face is visible from the RC-5, R-1, R-2, or R-3 zones. The exception is electronic message centers associated with schools as provided in BLMC 15.28.100(A)(3).

5. Landscaping. Freestanding and monument signs are required to be landscaped around the base of the sign to improve the overall visual appearance of the sign. Landscaping shall be in proportion to the size and height of the sign, with a minimum of one-half square foot of landscaping for each square foot of sign area and shall be maintained throughout the life of the sign.

a. The landscaping and sign base shall be protected from vehicles by a vertical curb (or equivalent) at least three feet from the sign base.

b. Landscaping shall be installed in the planting season closest to the issuance of the sign permit. Signs installed after the planting season shall be landscaped no later than the following planting season.

c. Landscaping requirements may be waived by the director of planning and community development. (Ord. 1285 § 3, 2008; Ord. 1155 § 7, 2005; Ord. 880 § 1, 2001; Ord. 614 § 4.03, 1989. Formerly 15.28.140).

15.28.115 Animated signs.

A. Any animated sign shall be no more than 30 percent of the total allowable sign face for any sign; provided, that all other requirements in this section are followed.

B. In multi-tenant buildings or building complexes, only freestanding directory signs per BLMC 15.28.110(A)(3) may be animated or electronic message centers, not individual tenant signs. If, within a multi-tenant building or building complex, an individual tenant already has an animated sign or electronic message center, the multi-tenant building or building complex as a whole shall not be allowed to have an additional sign of this type.

C. Maximum brightness levels for electronic signs shall not exceed 5,000 nits when measured from the sign's face at its maximum brightness, during daylight hours, and 500 nits when measured from the sign's face at its maximum brightness between dusk and dawn, i.e., the time of the day between sunrise and sunset.

D. Newly permitted animated signs shall include an ambient light meter and programmable or manual dimming capacity. (Ord. 1285 § 4, 2008).

Article V. Nonconforming Signs

15.28.120 Determination of legal nonconformity.

A. To ease the economic impact of this code on businesses with substantial investment in signs in existence on the date of adoption of this code, this section provides for up to six years of continued use of a nonconforming sign in its existing state. During this period it is expected that the sign may be amortized on federal income taxes; however, whether it may be so amortized shall not affect the application of this section. Similar treatment is accorded signs in areas annexed to the city after the code's enactment.

B. The administrator shall, as soon as practical, survey the city for signs which do not conform to the requirements of this chapter. Upon determination that a sign is nonconforming or illegal, the administrator shall use reasonable efforts to so notify, either personally or in writing, the sign user or owner of the sign, and where practical, the owner of the property on which the sign is located of the following; provided, that the business license holder of the business with which the sign is associated shall be presumed to be the sign user under this code. The administrator shall notify the owner of the following:

1. The sign's nonconformity or illegality;
2. Whether the sign may be eligible for a nonconforming sign permit.

If the identity of the sign user, owner of the sign, or owner of the property on which the sign is located cannot be determined after reasonable inquiry, the notice may be affixed in

a conspicuous place on the sign or on the business premises with which the sign is associated. A file shall be established in the department, and a copy of the notice and certification of posting shall be maintained for records.

C. Existing signs which do not conform to the specific provisions of this chapter may be eligible for the designation "legal nonconforming"; provided, that:

1. The administrator determines that such signs are properly maintained and do not in any way endanger the public;
2. The sign was covered by a valid permit or variance or complied with all applicable laws on the date of adoption of the ordinance codified in this chapter;
3. Signs permitted after November 1, 1989 which were made nonconforming by the adoption of this chapter shall be permitted to remain in place and be maintained for a period not to exceed six years from the date this chapter takes effect; provided, that no action is taken which increases the degree of nonconformity;
4. All nonconforming temporary signs, off-premises signs, real estate signs, and signs erected without a permit shall not be eligible for the designation, "legal nonconforming." All such signs shall be subject to the provisions of this chapter and be brought into conformance immediately;
5. All signs permitted prior to November 1, 1989 and which were deemed legal conforming signs under city of Bonney Lake Ordinance No. 614, shall be brought into conformance with this chapter upon written notice by the director of planning and community development;
6. Each sign user within the city having existing nonconforming signs designated under this chapter shall be permitted to designate only one such sign as "nonconforming" for each street upon which the business premises fronts. Such designation shall be made in the application for a nonconforming sign permit;
7. A nonconforming sign permit is required for each nonconforming sign designated under this chapter. The permit shall be obtained by the sign user or the sign owner, or the owner of the property upon which the sign is located with 60 days of notification by the city. The permit shall be issued and shall expire at the end of the applicable amortization period prescribed in this chapter. Applications for a nonconforming sign permit shall contain the name and address of the sign user, the sign owner, and the owner of the property upon which the sign is located and such other pertinent information as the administrator may require to ensure compliance with the code, including proof of the date of installation of the sign. A nonconforming sign for which no permit has been issued with the 60-day period of notification shall within six months be brought into compliance with the code or be removed. Failure to comply shall subject the sign user, owner or owner of the

property on which the sign is located to penalties cited in this chapter.

8. Within areas annexed to the city of Bonney Lake after the effective date of this chapter, all signs not in conformance with this chapter shall be given six years from the effective date of the annexation to come into compliance with this chapter or be removed. (Ord. 880 § 1, 2001; Ord. 614 § 5.01, 1989. Formerly 15.28.150).

15.28.125 Loss of legal nonconforming status.

A legal nonconforming sign shall lose this designation, and must be brought into compliance immediately, if:

- A. The sign is relocated or replaced;
- B. The structure or size of the sign is altered in any way except towards compliance with this chapter. This does not refer to change of copy or normal maintenance;
- C. Any proposed change, repair, or maintenance that would constitute an expense of more than 25 percent of the lesser of the original value or replacement value of the sign;
- D. No application for a nonconforming sign permit is filed by the sign user, sign owner, or owner of the property upon which the sign is located within 60 days following notification by the city that the sign is nonconforming and that a permit must be obtained;
- E. The loss of legal nonconforming status takes place upon any change in land use or occupancy, or change in business name, and the sign shall be brought into conformity with this chapter by revising to the area and height standards or be removed. Upon any of the above referenced circumstances taking place, any permit or designation for what had been a nonconforming sign shall become void. The administrator shall notify the sign user, sign owner or owner of the property upon which the sign is located of cancellation of the permit or designation and the sign shall immediately be brought into compliance with this chapter and a new permit secured or may be removed.
- F. An illegal sign is any sign which does not comply with the requirements of this chapter within the city limits as they now or hereafter exist and which is not eligible for characterization as nonconforming under this chapter. (Ord. 880 § 1, 2001; Ord. 614 § 5.02, 1989. Formerly 15.28.160).

15.28.130 Amortization period for nonconforming signs.

Nonconforming signs, as defined in this chapter, for which a nonconforming sign permit has been issued may remain in a nonconforming state for six years after the effective date of this chapter. Thereafter, the sign shall be brought into conformity with this code by obtaining a permit or be removed; provided, however, that the amortization period established by this section may be used only so long as the sign retains its legal nonconforming status. (Ord. 880 § 1, 2001).

15.28.140 Maintenance and repair of nonconforming signs.

The legal nonconforming sign is subject to all requirements of this code regarding safety, maintenance, and repair. However, if the sign suffers more than 50 percent damage or deterioration, it must be brought into conformance with this code or be removed.

In addition, any repainting, replacement of “copy,” panels and/or lettering, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign or structure in any way which is not in compliance with the requirements of this code, or the sign will lose its nonconforming status. (Ord. 880 § 1, 2001; Ord. 614 § 5.03, 1989. Formerly 15.28.170).

Article VI. Construction Specifications

15.28.150 Compliance with building code.

All signs shall be constructed in accordance with the requirements of the Uniform Building Code, current adopted edition, including Section 5-281 of the Uniform Sign Code and Section 5-66 of the Uniform Building Code. (Ord. 988 § 2, 2003; Ord. 880 § 1, 2001; Ord. 614 § 6.01, 1989. Formerly 15.28.180).

15.28.160 Anchoring.

- A. Signs shall not be suspended by nonrigid attachments that will allow the sign to swing in a wind.
- B. All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations.
- C. All portable signs on display shall be braced or secured to prevent motion. (Ord. 880 § 1, 2001; Ord. 614 § 6.02, 1989. Formerly 15.28.190).

15.28.170 Wind loads and additional construction specifications.

- A. Solid signs, other than wall signs, shall be designed to withstand a wind load of 20 pounds per square foot on any face.
- B. No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress. (Ord. 880 § 1, 2001; Ord. 614 § 6.03, 1989. Formerly 15.28.200).

15.28.180 Maintenance.

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The director of planning and community development shall have the right under this chapter to order the repair or removal of any sign which is defective,

damaged, deemed a safety hazard, or is substantially deteriorated. (Ord. 880 § 1, 2001; Ord. 614 § 3.04, 1989. Formerly 15.28.080).

15.28.190 Lighting.

Unless otherwise specified by this chapter, all signs may be illuminated. However, no sign regulated by this chapter may utilize:

- A. An exposed incandescent lamp with an external reflector and without a sunscreen or comparable diffusion;
- B. Any exposed incandescent lamp in excess of 25 watts;
- C. Any revolving beacon light;
- D. Any spot or flood light system directed toward or shining on vehicular or pedestrian traffic on a street, or adversely affecting surrounding premises or residential structures;
- E. Any continuous or sequential flashing operation. (Ord. 880 § 1, 2001; Ord. 614 § 3.05, 1989. Formerly 15.28.090).

15.28.200 Sign contractor's license.

No person may engage in the business of erecting, altering, relocating, constructing, or maintaining signs without a valid contractor's license and all required city, state and federal licenses. (Ord. 880 § 1, 2001; Ord. 614 § 3.07, 1989. Formerly 15.28.110).

15.28.210 Inspection upon completion.

Any person installing, altering, or relocating a sign for which a permit has been issued shall notify the director of planning and community development upon completion of the work. The director of planning and community development may require in writing, upon issuance of a permit, that he be notified for inspection prior to the installation of certain signs. The director of planning and community development may require a final inspection, including an electrical inspection and inspection of footings on freestanding signs. (Ord. 880 § 1, 2001; Ord. 614 § 7.06, 1989. Formerly 15.28.260).

Article VII. Administration and Enforcement

15.28.220 Code administrator.

Repealed by Ord. 988. (Ord. 880 § 1, 2001; Ord. 614 § 7.01, 1989. Formerly 15.28.210).

15.28.230 Permit fees.

Repealed by Ord. 988. (Ord. 880 § 1, 2001; Ord. 614 § 7.03, 1989).

15.28.240 Issuance and denial.

Repealed by Ord. 988. (Ord. 880 § 1, 2001; Ord. 614 § 7.05, 1989).

15.28.260 Variances.

Sign variances shall be Type 1 permits – see Chapter 14.30 BLMC. Variances to specific provisions of this chapter may be approved by the director(s) in accordance with the following:

A. Application. Variance applications shall be made on forms available from the planning and community development department. An application shall consist of a completed form, any necessary supporting documentation such as sign drawings, site plans, building elevations, photographs, or other information, and the application fee.

B. Approval Criteria. In issuing any favorable decision on a variance application, the director(s) shall adopt findings of fact and conclusions based on those findings which meet the following criteria:

1. The variance is in harmony with the purpose and intent of the sign regulations;
2. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon signage of other properties that have had to conform to the provisions of this chapter;
3. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property that are not contemplated or provided for by this chapter;
4. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated;
5. Alternative signage concepts that comply with the provisions to which the variance is requested have been evaluated, and undue hardship would result if the strict adherence to the provisions of this chapter is required; and
6. The variance is not granted for the convenience of the applicant or for the convenience of regional or national businesses which desire to use a standardized sign.

C. Conditions. Conditions may be imposed upon the approval of any variance. Unless otherwise specified, variance approval shall be subject to all plans, specifications, and conditions set forth in the application.

D. Variance. A variance shall not be granted which would increase the number of signs allowed by this chapter, allow a large sign face, allow a taller sign, or allow a type of sign which is prohibited by this chapter. (Ord. 988 § 2, 2003; Ord. 880 § 1, 2001; Ord. 614 § 7.07, 1989. Formerly 15.28.270).

15.28.270 Compliance and enforcement.

Any violations of this chapter such as the placement of prohibited signs on a property or the failure to maintain existing or new signage in good condition shall be subject to the enforcement provisions of Chapter 14.130 BLMC. (Ord. 1285 § 5, 2008).

15.28.280 Appeals.

All appeals of decisions made under this chapter shall follow the procedures as set forth in BLMC Title 14, Development Code Administration. (Ord. 988 § 2, 2003; Ord. 880 § 1, 2001; Ord. 614 § 7.11, 1989. Formerly 15.28.290).

Article VIII. Conflict

15.28.290 Conflict.

If any portion of this code is found to be in conflict with any other provisions of any zoning, building, fire, safety, or health ordinances of the city code, the provision which establishes the higher standards shall prevail. (Ord. 880 § 1, 2001; Ord. 614 § 8.01, 1989. Formerly 15.28.300)

Section 2. If any portion of this Ordinance shall be invalidated by a court of competent jurisdiction, the remainder shall remain in full force and effect.

Section 3. This Ordinance shall take effect thirty (30) days after its passage, subject to prior approval by the Mayor and prior publication for five days as required by law.

PASSED by the City Council and approved by the Mayor this _____ day of _____, 2010.

Neil Johnson, Mayor

ATTEST:

Harwood T. Edvalson, CMC, City Clerk

APPROVED AS TO FORM:

James J. Dionne, City Attorney

Passed:
Valid:
Published:
Effective date: