



Shelton City Council
Study Session Agenda
March 8, 2022 – 6:00 p.m.
Virtual Platform

A. Call to Order

B. Roll Call

C. Study Agenda

1. Sign Ordinance – Presented by City Manager Jeff Niten
2. Graffiti Ordinance – Presented by City Manager Jeff Niten

D. New Items for Discussion

E. Adjourn



2022 Looking Ahead

(Items and dates are subject to change)

Tues. 3/15 5:45 p.m.	SMPD Meeting	Consent Agenda <ul style="list-style-type: none"> • Vouchers/Meeting Minutes Business Agenda <ul style="list-style-type: none"> • Action Agenda <ul style="list-style-type: none"> • Administration Report <ul style="list-style-type: none"> • Eagle Point Update 	Packet Items Due: 3/4 – 5:00 p.m.
Tues. 3/15 6:00 p.m.	Regular Meeting	Presentation <ul style="list-style-type: none"> • Timberland Regional Library Update Consent Agenda <ul style="list-style-type: none"> • Vouchers/Payroll Warrants/Meeting Minutes • January Financial Status Report Business Agenda <ul style="list-style-type: none"> • MACECOM Lease • Resolution No. 1229-0222 Acknowledging receipt of Petition for Annexation • Resolution No. 1230-0222 Western Gateway Project Award • Resolution No. 1231-0222 ILA with MTA • Resolution No 1232-0322 21-23 Stormwater Capacity Grant Acceptance • Resolution No. 1234-0322 Western Gateway Engineering Contract Amendment No. 4 Action Agenda <ul style="list-style-type: none"> • Administration Report <ul style="list-style-type: none"> • 	Packet Items Due: 3/4 – 5:00 p.m.
Tues. 3/22 6:00 p.m.	Study Session	Study Agenda <ul style="list-style-type: none"> • Ch. 20.47.010 Related to Camping on Private Property 	Packet Items Due: 3/18 @ noon
Fri. 3/25 9:00 a.m.	Special Meeting	Council Retreat – Strategic Planning	N/A
Tues. 4/5 6:00 p.m.	Regular Meeting	Consent Agenda <ul style="list-style-type: none"> • Vouchers/Payroll Warrants/Meeting Minutes Business Agenda <ul style="list-style-type: none"> • Public Hearing Ordinance No. 1984-0222 Shelton Municipal Code Chapter 20.08 and 20.64 • Resolution No. 1227-0222 EMS Levy • Resolution No. 1233-0322 Surplus of 218 S 5th Street Structure • Ordinance No. 1985-0322 Signage 	Packet Items Due: 3/25 – 5:00 p.m.

		<ul style="list-style-type: none"> • Ordinance No. 1986-0322 Graffiti Action Agenda <ul style="list-style-type: none"> • MACECOM Lease • Resolution No. 1229-0222 Acknowledging receipt of Petition for Annexation • Resolution No. 1230-0222 Western Gateway Project Award • Resolution No. 1231-0222 ILA with MTA • Bargaining Agreement w/Customer Service • Resolution No. 1234-0322 Western Gateway Engineering Contract Amendment No. 4 Administration Report <ul style="list-style-type: none"> • 	
Tues. 4/12 6:00 p.m.	Study Session	Study Agenda <ul style="list-style-type: none"> • Animal Control Ordinance 	Packet Items Due: 4/8 @ noon
Tues. 4/19 6:00 p.m.	Regular Meeting	Consent Agenda <ul style="list-style-type: none"> • Vouchers/Payroll Warrants/Meeting Minutes • February Financial Status Report Business Agenda <ul style="list-style-type: none"> • YMCA Purchase and Sale Agreement Action Agenda <ul style="list-style-type: none"> • Ordinance No. 1984-0222 Shelton Municipal Code Chapter 20.08 and 20.64 • Resolution No. 1227-0222 EMS Levy • Ordinance No. 1985-0322 Signage • Ordinance No. 1986-0322 Graffiti • Resolution No. 1233-0322 Surplus of 218 N 5th Street Structure Administration Report <ul style="list-style-type: none"> • 	Packet Items Due: 4/8 – 5:00 p.m.
Tues. 4/26 6:00 p.m.	Study Session	Study Agenda	Packet Items Due: 4/22 @ noon
Tues. 5/3 6:00 p.m.	Regular Meeting	Consent Agenda <ul style="list-style-type: none"> • Vouchers/Payroll Warrants/Meeting Minutes Business Agenda <ul style="list-style-type: none"> • Action Agenda <ul style="list-style-type: none"> • YMCA Purchase and Sale Agreement Administration Report <ul style="list-style-type: none"> • 	Packet Items Due: 4/22 – 5:00 p.m.
Tues. 5/10 6:00 p.m.	Study Session	Study Agenda	Packet Items Due: 5/6 @ noon
Tues. 5/17 6:00 p.m.	Regular Meeting	Consent Agenda <ul style="list-style-type: none"> • Vouchers/Payroll Warrants/Meeting Minutes • March Financial Status Report Business Agenda <ul style="list-style-type: none"> • Action Agenda <ul style="list-style-type: none"> • Administration Report <ul style="list-style-type: none"> • 	Packet Items Due: 5/6 – 5:00 p.m.

Other – TBD

- UGA/Annexation Policy (Water/Sewer Extensions)
- More Standing Committees by the Council
- Water and Sewer Fee Schedule Revisions (Ordinance removing rates from SMC)
- Public Hearing Ordinance No. 1968-0321 Water Comp Plan Adoption

DRAFT

ORDINANCE NO. 1985-0322

AN ORDINANCE OF THE CITY OF SHELTON, WASHINGTON, REPEALING CHAPTER 20.38 OF THE SHELTON MUNICIPAL CODE AND ENACTING A NEW CHAPTER 20.38 RELATING TO THE REGULATION OF TEMPORARY AND PERMANENT SIGNS

WHEREAS, local governments have authority to regulate temporary and permanent signs in order to protect the public health, welfare, and safety, including aesthetics; and

WHEREAS, temporary and permanent signs are forms of free speech, which are protected by the First Amendment to the U.S. Constitution and Article 1 sec. 7 of the Washington State Constitution; and

WHEREAS, federal and state court cases prohibit the City from regulating signs according to their content but allow the City to regulate the time, place, and manner of signage; and

WHEREAS, the existing Shelton sign code, Chap. 20.38 SMC, is extraordinarily lengthy and complicated, containing over 9,000 words and 24 sections; and

WHEREAS, many provisions of the existing code are either obsolete, not enforced, or in conflict with recent Constitutional law decisions; and

WHEREAS, the new code adopted by this Ordinance is significantly simpler and approximately half as long as the existing code; and

WHEREAS the new code adopted by this Ordinance is consistent with current constitutional law.

NOW, THEREFORE, the Shelton City Council does ordain as follows:

Section 1. Chapter 20.38 of the Shelton Municipal Code is repealed in its entirety.

Section 2. A new Chapter 20.38 of the Shelton Municipal code is adopted to read as follows:

Chapter 20.38

SIGNS

20.38.010 Intent.

The intent of this chapter is to provide minimum standards to safeguard life, health, property and public welfare by regulating the number, size, design, quality of materials, construction, location, electrification and maintenance of signs and sign structures.

20.38.020 Definitions.

For the purpose of this chapter, definitions as defined herein and certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this section.

“Abandoned sign” means any sign that 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. A permanent sign is presumed abandoned 180 days after permanent closure of the associated business or enterprise.

“Animated sign” means any sign which includes action or motion or the optical illusion of action or motion, or color changes of all or any part of the sign facing, requiring electrical energy, or set in motion by movement of the atmosphere.

“Awning” or “canopy” means a temporary shelter supported entirely from the exterior wall of a building. See Figure 1.

“Blade sign” means a temporary sign constructed of cloth, canvas, plastic fabric, or similar light-weight, nonrigid material and supported by a single vertical pole. Blade signs are also referred to as “feather banners” or “teardrop signs.”

“Changing message center sign” means an electronically or electrically controlled sign where different automatic changing messages are shown on the same lamp bank.

“Flashing sign” means any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source.

“Freestanding sign or pole sign” means any sign which is supported by one or more uprights, poles or braces in or upon the ground, that is greater than forty-two inches from the ground to the top of the sign. See Figure 1

“Freeway oriented sign” means a freestanding or pole sign that is allowed for certain properties fronting State Route 101.

“Frontage” means the linear distance of property along a street or highway.

“Ground sign” means a sign supported by a wide base of solid appearance that is a minimum of one-half the sign width. See Figure 1

“Height” or “height of sign” means the vertical distance to the highest point of a sign or any vertical projection thereof, including its supporting columns. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

“Landscaping” means any material used as a decorative feature, such as shrubbery or planting materials, planter boxes, concrete bases, brick work, decorative framing or pole covers, used in conjunction with a sign.

“Mansard roof” means a sloped roof or roof-like facade architecturally able to be treated as a building wall.

“Marquee” means a permanent roofed structure attached to, and supported by, the building.

“Multiple building complex” means a group of structures each 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 occupancy building” means a single structure housing more than one retail business, office or commercial enterprise.

“Off-premises sign” means a sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

“Permanent sign” means a sign that is constructed of durable material such as wood, stone, or metal, securely anchored to the ground or support structure, that is intended to remain for an indefinite period of time.

“Projecting sign” means a sign which projects twelve inches or more from, and is supported by, a wall of a building or structure. See Figure 1

“Roof sign” means any sign erected upon, against or directly above a roof or on top of or above the parapet of a building. A sign shall be considered a flush-mounted sign if it is erected upon a mansard roof, or any other surface meeting the definition of a wall, as contained in the International Building Code. See Figure 1.

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

“Shopping center” means a commercial development whereupon there are located a number of commercial activities in separate ownership or lease, in which there are appurtenant shared facilities, such as parking and pedestrian mall, and which is designed to provide a single area in which the public can obtain varied products and services.

“Sidewalk or sandwich board sign” means a portable sign having a maximum height of forty-two inches, and a maximum width of twenty-four inches.

“Sign” means any medium, including structural and component parts, that is used or intended to be used to attract attention to the subject matter for advertising, identification, entertainment, or informative purposes. The scope of the term “sign” does not depend on the content of the message or image conveyed.

“Sign area” means the entire area of a sign on which copy is to be placed. Only one side of a double-faced sign shall be included. The area of painted signs, individual letter signs and other indirectly illuminated signs shall be calculated on the basis of the smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between letters and lines, as well as the areas of any devices, illuminated or nonilluminated, which are intended to attract attention.

“Structural alteration” means any action that changes the height, size or shape of the sign or any action that affects the base or support(s) of the sign. When a sign is structurally altered, it ceases to be a legal nonconforming sign and must conform with the provisions of this chapter.

“Temporary sign” means any sign, banner, pennant, valence, flag, searchlights, balloons or other air-filled or gas-filled figures or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frame, intended to be displayed for a limited period of time only.

“Wall” means any member or group of members, which defines the exterior boundaries of a building and which has a slope of sixty degrees or greater with the horizontal plane. The height of a wall shall be measured as the two-dimensional height from the average finished grade of the particular architectural building elevation adjacent to the wall to the finish roof plane.

“Wall sign or flush sign” means any sign attached to or painted directly on the wall, or erected against the wall of a building being parallel or approximately parallel to said wall; and does not exceed a distance of twelve inches from said wall. A permanent sign located inside and affixed to or within three feet of an exterior window shall be considered a wall sign. See Figure 1.

“Window sign” means any sign, picture, symbol or combination thereof, not meeting the above definition of “wall sign,” placed inside a window or upon the window panes or glass, and is visible from the exterior of the window.(See Figure 1

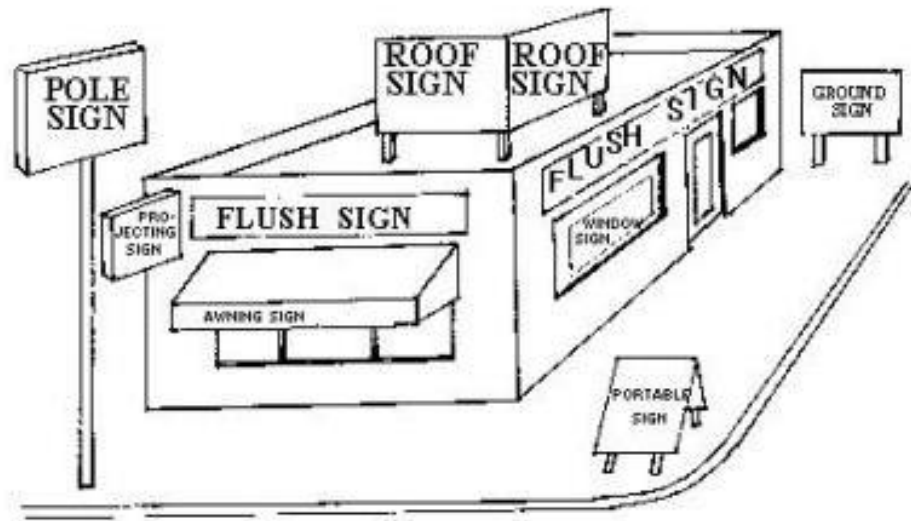


Figure 1

20.38.030 Temporary signs

Temporary signs that comply with the following provisions are allowed in all zones of the City:

- A. The maximum size of a temporary sign shall be 16 square feet.
- B. Temporary signs shall be made of weather-resistant materials and shall be firmly anchored to the ground or structure or able to stand freely without toppling or blowing over. Signs and parts of signs that are blown or carried away from their intended location may be collected and disposed of as litter.
- C. Temporary signs shall be maintained in good repair.
- D. Temporary signs associated with a special or time-limited event shall be removed within 48 hours of the conclusion of the event or use with which they are associated. Temporary political campaign signs shall be removed in accordance with Washington State Department of Transportation regulations, which are incorporated by reference.
- E. Temporary signs shall not be used as the only sign advertising for an on-premises commercial, office, or retail use for longer than 60 consecutive days. After that time, a permanent sign shall be required.

F. No temporary sign shall be located so as to create a traffic safety hazard by interfering with the vision of drivers. Signs shall be placed in such a manner so as not to interfere with the opening of car doors, bus stops, loading zones, or pedestrian traffic.

G. No more than four temporary signs are allowed per parcel or parcel frontage.

H. Temporary signs shall not be placed in such a manner as to harm immature or newly planted landscaping.

I. Temporary signs shall not be attached to utility poles, street trees, benches, or any other public improvement on public property or right of way.

J. Temporary signs shall not resemble official traffic control or public safety signs in such a manner as to cause potential confusion to the traveling public.

K. Sandwich Board Signs for businesses in the CR-V, CR-G, LI-C, DT, and GC zones shall be placed on the sidewalk or right-of-way edge directly in front of the advertising business only and within ten feet of the building entrance for the business. Sandwich board signs shall not be displayed on corners. Signs shall be displayed during business hours only. Sandwich board signs shall be limited to a maximum area of eight square feet each side and a maximum height of forty-two inches. Sandwich board signs shall be permanently painted, of reasonable aesthetic quality, and contain no moving parts, illumination, or changeable copy.

L. Temporary signs placed on private property shall require the permission of the property owner.

M. Blade signs are prohibited.

N. Temporary signs in violation of this chapter are subject to removal by the city after notice and opportunity to voluntarily remove the signs. Temporary signs removed by the City shall be stored for one week and subject to claiming by the owner or responsible party.

20.38.040 Permanent signs - Permit required - exemptions.

A. No permanent sign of more than two square feet in sign area shall be erected, structurally altered or relocated without a sign permit issued by the city. No sign permit shall be issued unless the sign installer has a valid Washington State contractor's license. Fees for obtaining sign permits shall be as established by the City Council.

B. The following permanent signs shall be exempt from the permit requirement:

1. Memorial signs or tablets, names of buildings, and dates of erection when cut into the surface or the facade of the building or when permanently attached or integral to the materials of the building and projecting not more than two inches;
2. Signs regulated by the Manual on Uniform Traffic Control Devices and other public service or directional signs that are no larger than three square feet in surface area;

3. Driveway entrance/exit signs with a maximum of four square feet in area and a forty-two inches in height;
 4. Window signs, provided that illuminated window signs occupy no more than twenty percent of any single window area and non-illuminated window signs occupy no more than fifty percent of any single window area. In this context, a window area shall be defined as the total area between mullions or frames rather than the total area between muntins or artificial grids;
- C. Painting, repainting or cleaning of a sign or the changing of the message on an already-permitted permanent sign unless a structural change is made.

20.38.050 Permanent signs—Application requirements.

Applications for sign permits shall contain, at a minimum:

- A. The name and address of the applicant;
- B. The name, address and written consent of the owner of the property on which the sign is to be located, if different than the applicant;
- C. The location of the building, structure or lot to which sign is to be attached, the proposed location of the sign structure, drawings or photographs showing the design and dimensions of the sign and details of its proposed placement and other pertinent information such as materials to be used, colors, and weight as the administrator of this chapter may require to ensure compliance with this chapter and other applicable ordinances. (Scale as specified by the city);
- D. Name and license number of the individual or firm erecting the structure;
- E. Evidence of compliance with the National Electrical Code, if the sign is lit or electrified;
- F. An approved signage plan as per Section 20.38.060.

20.38.060 Permanent signs - Signage plan required.

No sign permit shall be issued unless a signage plan for the zone lot on which the sign will be erected has been submitted to the city and approved as conforming with this section.

- A. A signage plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the city for the proposed development, and shall be processed simultaneously with such other plan.
 1. A signage plan shall include any or all of the following as required by the city:
 - a. An accurate plot plan of the zone lot, at such scale, detail and accuracy as the city may require,
 - b. Location of buildings, parking lots, driveways, and landscaped areas on such zone lot,

- c. Individual signs, the height of signs and the number of freestanding signs allowed on the zone lot(s) included in the plan under this chapter,
- d. An accurate indication on the plot plan of the proposed location and size of each present and future sign of any type, whether requiring a permit or not, except that exempt and temporary signs need not be shown,
- e. An indication of all window signs proposed if any. The standard signage plan may simply indicate the areas of the windows to be covered by the window signs, and the general type of the window signs (e.g., paper affixed to window, painted, etched on glass, or some other material hung inside the window) and need not specify the exact dimension or nature of every window sign,

20.38.070 Permanent signs - prohibited signs.

The following permanent signs are prohibited, not eligible for sign permits, and subject to abatement:

- A. Roof signs;
- B. Animated or flashing signs;
- C. Signs which purport to be, or are, an imitation of, or resemble an official traffic sign or signal, which create a potential threat to the public safety;
- D. Signs which, by reason of their size, location, movement, coloring or manner of illumination may be confused with the light of an emergency or radio equipment vehicle, or which obstruct the visibility of traffic or street sign or signal device as determined by the city;
- E. Off-premises signs;
- F. Abandoned signs.

20.38.080 Permanent signs - Construction and design standards.

- A. All signs must meet the standards provided in the Shelton Municipal Code.
- B. The color, design, materials, and scaling of permanent signs shall generally coordinate with and complement the accompanying primary structure.
- C. Illumination from or upon any sign shall be shaded, shielded, directed or reduced so as to avoid undue brightness, glare or reflection of light on private or public property in the surrounding area, and so as to avoid unreasonably distracting pedestrians or motorists. Illumination, if used, shall be white or yellow and shall not be blinking, fluctuating or moving.
- D. All freestanding and ground signs shall include, as part of their design, landscaping about their base so as to improve the overall appearance of the installation. This landscaping must include vegetation and may include other materials and components such as brick or concrete bases, planter boxes, or decorative framing. Grass or other low lying vegetation may satisfy this

requirement for ground signs within a reasonable clear vision area surrounding the sign as approved by the city.

E. Changing message center signs are allowed only for noncommercial uses and shall not exceed a size of thirty square feet or a maximum of one per parcel. Changing message center signs shall have a maximum luminance of 5000 nits in the day time and 100 nits (or shut off) one half hour before sunset and one half hour after sunrise. Signs shall include auto-dimming features with light-sensory capabilities to dim the sign to allowable luminance levels during nighttime hours. No motion is allowed except for a fade in of the next message with the fade transition being no more nor less than one and one-half seconds. Fade transition is required rather than instantaneous message changes to avoid sudden or startling flashes of light. Minimum hold between messages shall be ten seconds, plus one and one-half second transition fade. Changing message center signs shall be designed for local on-site control and programming. The applicant shall provide a written certificate from the sign manufacturer that the nighttime light intensity has been factory pre-set not to exceed allowable levels under this Section, and that this setting is protected from end-user modification by password-protected software or other method that ensures compliance.

20.38.090 Permanent signs –Maintenance.

All signs, including signs heretofore installed, shall be maintained in a state of security, safety, appearance and repair. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous, it shall be the duty of the owner and/or occupant of the premises on which the sign is fastened to repair or remove the sign after receiving notice from the city or to make other arrangements for repair or removal satisfactory to the city. The premises surrounding a freestanding sign shall be free and clear of rubbish and landscaping area maintained in a tidy manner.

20.38.100 Signs allowed per zones of the City.

A. Commercial and Industrial Districts. The following permanent signs are allowed in the MU, CR-V, CR-G, DT, ME, GC, CI, and I zoning districts subject to the provisions of this chapter:

1. Ground Signs. Ground signs, where practical, are the preferred signage type in commercial and industrial areas and shall be permitted subject to Table 20.38.170, and the following criteria:
 - a. Area Calculation. Each site shall be allowed one ground sign, along each street frontage, of area equal to or less than three-tenths square foot of area per lineal frontage foot of parcel frontage on the right-of-way to which the sign is oriented not to exceed eighty square feet and the maximum height related to area as per Table 20.38.170 below,
 - b. Ground signs within thirty lineal feet of street intersections or driveways shall not exceed forty-two inches in height,
 - c. If any one right-of-way frontage is more than three hundred lineal feet, a second ground sign is permitted on that frontage if placed more than one hundred fifty feet

from the first ground sign. Total area of all ground signs along the frontage shall not exceed in area three-tenths square foot per lineal feet of frontage and no individual sign shall exceed eighty square feet in area,

d. Corner Parcels.

i. For corner parcels with two arterial street frontages and entrances on both streets which are also a part of a multi-building complex, a sign placed at the corner of the property can be a two- or three-faced sign; or

ii. For a corner parcel with two arterial street frontages and entrances on both streets and which is also a multi-building complex, ground signs are permitted at each entrance.

Table 20.38.170
Maximum Allowed Area and Height
of Ground Signs

Maximum Sign Area	Maximum Sign Height
up to 40 sq. ft.	72 inch
up to 60 sq. ft.	84 inch
up to 80 sq. ft. (maximum allowed sign area)	96 inch

2. Freestanding Signs. Freestanding signs are permitted only where it can be demonstrated that ground signs are not feasible due to topography, landscaping and/or natural vegetation, building locations/setbacks, adjacent land uses, or other physical restraints not created by acts of the property owner. Freestanding sign design, including height, shall be subject to design approval by the city. Allowed area for freestanding signs shall be three-tenths square feet on each face per lineal foot of street frontage to which the sign is oriented. Maximum height shall be eighteen feet. Freestanding signs may not be placed in a required side yard or within ten feet of a street right-of-way;

3. Wall Signs. The allowed surface area of a wall sign shall be one and one-quarter square foot per lineal foot of building or tenant space frontage along the street, access road, or common parking area, to which the sign is to be oriented up to the first one hundred such feet. Frontage feet in excess of one hundred lineal feet shall result in additional allowed wall sign area on a ratio of one square foot of sign area per lineal foot. Allowable sign area is not transferable from one facade to another;

4. Projecting Signs. A sign which projects twelve inches or more from, and is supported by a wall of a building or structure, shall not project over six feet from the face of the building, or more than seventy-five percent of the distance between the property line and

the curb line, whichever measurement is less. Such signs shall not exceed twenty square feet per sign face and shall have a minimum clearance of eight feet above any public sidewalk or walkway. In no cases will projecting signs and wall signage be allowed on the same building or tenant space facade.

Any sign that projects over the public right-of-way shall require a right-of-way permit. An application and payment of the applicable permit fee shall be submitted to the city prior to any installation of such sign;

5. Freeway-Oriented Signs. For the purposes of this chapter, "freeway" is defined as Highway #101. Parcels with freeway frontage are permitted freeway-oriented signs under the following criteria:

- A. Buildings more than one hundred feet from the property line common with freeway right-of-way may have a freeway-oriented sign;
- B. The freeway oriented sign must be within thirty-five and 100 feet of the property line common with freeway right-of-way;
- C. Maximum area shall not exceed two square feet per lineal frontage feet of the building with a maximum of one hundred fifty square feet;
- D. Maximum height for freeway-oriented signs shall be thirty-five feet;

6. Signage on Awnings and Marquees. Signage is allowed on awnings and marquees in commercial and industrial zones of the city. Such signage shall be limited to thirty percent coverage of the face of the marquee or the exposed surface of the awning. The signage area shall be calculated on the basis of the smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. Any such calculations shall include the areas between letters and lines as well as the areas of any devices which are intended to attract attention. In no cases will awning or marquee signage and wall signage be allowed on the same building facade except that signs hanging under the awning or marquee of less than three square feet shall be allowed;

8. Shopping Center Signs. A shopping center (more than ten acres in size and more than one hundred thousand square feet in gross floor area of buildings) is permitted one identification type sign per street frontage. Such signage shall be subject to the following:

- a. Such shopping center signs shall be ground signs unless it can be demonstrated that ground signs are not effective due to topography, landscaping and/or natural vegetation, building locations/setbacks, adjacent land uses, or other physical restraints not created by acts of the property owner. Shopping center ground signs may be up to two hundred square feet in area and twenty feet in height,
- b. If allowed, freestanding shopping center signs shall not exceed two hundred square feet in area, thirty feet in height, and must be located at least twenty feet from all property lines and rights-of-way,

B. Neighborhood Residential District. Nonresidential uses in the NR zone, including churches, schools, and uses in the neighborhood commercial nodes are allowed signage subject to the following provisions:

1. All signs shall be constructed of a natural material such as wood or stone and shall not be internally illuminated.
2. Ground Signs. Ground signs shall be permitted as in subsection B of this section, with the following exceptions:
 - a. Area Calculation. Each site shall be allowed one ground sign of area equal to or less than one-tenth of one square foot of area per lineal frontage foot of parcel frontage of the right-of-way to which the sign is oriented not to exceed twenty-four square feet and a maximum height of five feet.
4. Wall Signs. Wall signs are permitted under same requirements applied to commercial and industrial zones.
5. Projecting Signs. Projecting signs are permitted under same requirements applied to commercial and industrial zones.
6. Signage on Awnings and Marquees. Signage on awnings and marquees is permitted under same requirements applied to commercial and industrial zones.

C. Historic Structures, Properties or Districts. All signage on structures and their sites, or on other properties, which are listed on any national, state or local historic register or list, or within any district or area identified by the city, state or federal governments, as a historic preservation district or any similarly labeled district or area, shall be subject to design review and approval by the historic preservation board of the city.

D. Provisions common to all zones.

1. Sight Distance. In addition to the setback requirements in this chapter, no freestanding or ground sign shall be located in the triangular area(s) measured fifteen feet by fifteen feet where a driveway enters onto a street or property line, or any other area which may obstruct the vision of motorists so as to create a safety hazard. Additionally, all signs are subject to the public works standards regarding sight distances.
- t. Buildings Facing on Two Parallel Streets. Single or multiple occupancy buildings whose premises extend through a block to face on two parallel streets and housing customer entrances on each street are permitted ground signs per street frontage as per Section 20.38.170(B)(1); provided, however, that each sign must be located on different street frontages and separated by more than one hundred feet measured in a straight line between the signs;

20.38.120 Permanent signs – nonconforming signs.

Any legal nonconforming permanent sign may be maintained in use as long as it remains in good repair. Any maintenance or repair to the sign requiring a sign permit shall necessitate compliance with current code.

20.38.130 Violation—Penalty.

A. Any person who willfully violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of this chapter or its provisions shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not in excess of one thousand dollars or by imprisonment in jail for not to exceed ninety days or by both such fine and imprisonment. Each day that a violation exists shall constitute a separate offense. The erector, owner or user of an unlawful sign or the owner of the property on which an unlawful sign is located and who maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

B. Prior to charging a misdemeanor, the City shall first attempt to secure voluntary correction from the owner or responsible party.

Section 3. This ordinance shall take effect five days after passage and publication.

Passed this _____ day of _____ 2022, at the regular meeting of the Shelton City Council.

Eric Onisko, Mayor

AUTHENTICATED:

Donna Nault, City Clerk

ORDINANCE NO. 1986-0322

AN ORDINANCE OF THE CITY OF SHELTON, WASHINGTON, ADDING A NEW CHAPTER 8.80 TO THE SHELTON MUNICIPAL CODE RELATING TO ABATEMENT OF GRAFFITI

WHEREAS, vandalism of property through graffiti constitutes a public nuisance and a visual blight on the community; and

WHEREAS, vandalism through graffiti damages property and creates a hardship for victims who lack means or opportunity to abate the graffiti; and

WHEREAS, failing to abate graffiti may create the mistaken impression that the City of Shelton is tolerant of vandalism.

NOW, THEREFORE, the City Council of the City of Shelton ordains as follows:

Section 1. A new Chapter 8.80 is added to the Shelton Municipal Code to read as follows:

8.80.010 Definitions.

For the purposes of this chapter, the following words shall have the following meanings:

A. "Abatement" or "Abate" indicates all methods and techniques that are reasonably calculated to permanently disguise, cover, or remove graffiti, including but not limited to cleaning, painting, or replacing affected surfaces. Abatement shall not include ineffective or temporary measures such as covering graffiti with an object not designed to be a permanent part of the structure or building.

B. "Graffiti" means any unauthorized inscription, word, letters, numbers, figure, picture, or design, regardless of content, which is sprayed, marked, posted, pasted, or otherwise affixed, drawn, or painted on any surface of public or private property that is visible from any public right-of-way or public property. Markings made by chalk or other easily washable means shall not be considered graffiti.

C. "Responsible Party" shall mean the property owner, tenant, occupant, or other person who has the right to occupy or control the property.

D. "Unauthorized" means without the consent of a Responsible Party.

8.80.020 Graffiti deemed nuisance – abatement on City property.

- A. Graffiti and other defacement of public and private property, including walls, rocks, bridges, buildings, fences, gates, signage and other structures, trees, and other real and personal property within the City, constitutes a public nuisance.
- B. The City will take immediate measures to abate graffiti on City-owned property.

8.80.030 Notice of Abatement.

- A. Whenever the code enforcement officer determines that graffiti exists on property not owned by the City, the code enforcement officer may cause a Notice of Abatement to be issued upon the Responsible Party to abate such nuisance.
- B. The notice required by this section may be served in one of the following forms:
 - 1. By personal service on the owner, occupant, manager, or other person responsible for the property;
 - 2. By regular mail addressed to the owner at the last known address of the owner. If this address is unknown, the notice will be sent to the property address;
 - 3. By other such reliable means of providing notice, including email, if receipt is verifiable.

8.80.040 Voluntary Correction Agreement

The Responsible Party shall be offered a voluntary correction agreement, in which the Responsible Party can elect to abate the graffiti or allow the City to do the abatement. The voluntary correction agreement shall state that if the responsible party elects to do the abatement but fails to abate the graffiti within twenty (20) calendar days, the City shall be authorized to enter the property to abate the graffiti. The voluntary correction agreement shall require the Responsible Party to hold the City harmless from any claims arising from the City's abatement of graffiti by reasonable methods and in accordance with this Chapter.

8.56.050 City costs recoverable – Debt - Exception.

- A. Any and all costs incurred by the City in the abatement of the graffiti nuisance as provided in this chapter shall constitute a debt owed to the City by the property owner or person in charge or control of the property. The City may take all legal means to enforce the debt.
- B. Notwithstanding Section A, the City may implement a community graffiti removal program that authorizes the City to abate graffiti without debt or recovery of costs.

8.80.060 Appeal.

Within 15 days from the mailing or from personal service of the Notice of Abatement, the Responsible Party may appeal the matter to the City Manager. Filing of an appeal will stay, during pendency of the appeal, any enforcement actions by the city to abate the graffiti nuisance. The City Manager's order on appeal shall be final.

8.80.070 Failure to take action in response to Notice of Abatement.

Any Responsible Party who fails to respond or take action in response to service of a Notice of Abatement shall be guilty of a Class 3 civil infraction under Chap. 7.80 RCW.

Section 2. This Ordinance shall take effect and be in force five (5) days after passage and publication, as required by law.

Passed this _____ day of _____ 2022.

Eric Onisko, Mayor

AUTHENTICATED:

Donna Nault, City Clerk