



**SUBSTITUTE  
ORDINANCE NO. 28009**

1 AN ORDINANCE relating to the Sign Code; amending Chapter 13.06 of the  
2 Tacoma Municipal Code relating to digital billboards.

3 WHEREAS the proposed amendments to Chapter 13.06 of the Tacoma  
4 Municipal Code ("TMC") will prohibit digital billboards, modify certain definitions,  
5 and amend other provisions relating to static billboards, and

6 WHEREAS, at the direction of the City Council, the Planning  
7 Commission ("Commission") began its review of the City's regulations regarding  
8 billboards in December 2010, and

9 WHEREAS a public information meeting was held on January 31, 2011,  
10 and

11 WHEREAS a draft of potential code changes was released for public  
12 review on February 16, 2011, and

13 WHEREAS a public hearing was held on March 16, 2011, and

14 WHEREAS, based upon its review of the subject, as well as public input,  
15 the Commission made a formal recommendation, accompanied by a Findings  
16 and Recommendations Report detailing the Commission's decision, to the City  
17 Council on May 18, 2011, and

18 WHEREAS the recommended amendments address several sections of  
19 the zoning code, Sections 13.06.520, 13.06.521, and 13.06.700, including, but  
20 not limited to: (1) definitions will be amended as follows: (a) the term  
21 "billboard" is defined in relation to size and location, rather than content, (b) the  
22 term for "off-premises sign" has been revised to pertain to location, rather than  
23 commercial content, and (c) the definition of "sign" has been slightly revised to  
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1 adopt a widely-accepted definition; (2) new billboards are listed as prohibited  
2 signs in many areas of the City; (3) the restriction on billboards has been  
3 clarified to list digital billboards as prohibited entirely; (4) language related to the  
4 Highway Beautification Act and Scenic Vistas Act has been strengthened to  
5 reflect that additional regulations beyond the TMC apply to billboards;  
6 (5) language regarding billboards has been updated to refer to "faces" rather  
7 than "faces and structures"; (6) additional requirements for aesthetics and  
8 landscaping for standard billboards have been included; (7) the section  
9 regarding dispersal (how far apart billboards must be from each other) has  
10 been simplified; and (8) the section regarding removal of nonconforming  
11 billboards when a site or building is modified has been changed significantly,  
12 including, but not limited to: (a) thresholds for removal have been aligned with  
13 other sections of the regulatory code which address nonconforming sites and  
14 structures, and (b) the requirement for a concomitant agreement has been  
15 deleted, and  
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17  
18 WHEREAS, in 1997, the City passed Ordinance No. 26101, which  
19 included a ten year amortization period for the removal of non-conforming  
20 billboards, and

21 WHEREAS the City desires to add an additional period of time to the  
22 1997 amortization period of ten years to ensure that an adequate opportunity to  
23 amortize the value of the billboard is achieved, and  
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WHEREAS the City believes that fourteen and a half year amortization period is more than reasonable and is supported by both state and federal decisional law, and

WHEREAS Ordinance No. 26101 contained a provision for banking billboard relocation permits, and

WHEREAS 169 permits have been banked and many have been inactive for over ten years, and

WHEREAS the City desires to provide for an expiration for inactive relocation permits to provide certainty and finality in the permitting process;

Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 13.06 of the Tacoma Municipal Code is hereby amended, as set forth in the attached Exhibit "A."

Section 2. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the



1 validity or constitutionality of the remaining portions of this ordinance or its  
2 application to any other person or situation.

3 Passed AUG - 9 2011

Mark Finkel  
Mayor

4 Attest:

5  
6 Wendy Sewell  
City Clerk ACTING

7  
8  
9 Approved as to Form:

10 [Signature]  
11 City Attorney

**BILLBOARD CODE REVISIONS**

**Proposed Amendments to the Land Use Regulatory Code – Chapter 13.06**

These proposed amendments include modifications to the following Sections of *TMC* Title 13, the Land Use Regulatory Code:

**Chapter 13.06 - Zoning**

**13.06.520 – Signs**

**13.06.521 – General Sign Regulations**

**13.06.700 – Definitions and Illustrations**

\*Note – These amendments show all of the changes to the *existing* land use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that is deleted is shown in ~~strike through~~. In addition, as this exhibit is associated with a substitute ordinance, the provisions specifically modified by this substitute are further highlighted.

**13.06.520 Signs.**

A. Purpose. The purpose of this section is to establish sign regulations that support and complement land use objectives set forth in the Comprehensive Plan, including those established by the Highway Advertising Control Act (Scenic Vistas Act). Signs perform important communicative functions. The reasonable display of signs is necessary as a public service and to the proper conduct of competitive commerce and industry. The sign standards contained herein recognize the need to protect the safety and welfare of the public and the need to maintain an attractive appearance in the community. This code regulates and authorizes the use of signs visible from public rights-of-way, with the following objectives:

1. To establish uniform and balanced requirements for new signs;
2. To ensure compatibility with the character of the surrounding area;
3. To promote optimum conditions for meeting sign users' needs while, at the same time, improving the visual appearance of an area which will assist in creating a more attractive environment;
4. To achieve quality design, construction, and maintenance of signs so as to prevent them from becoming a potential nuisance or hazard to pedestrian and vehicular traffic.

B. Scope.

1. The provisions and requirements of this section shall apply to signs in all zones as set forth in this chapter. Applicable sign regulations shall be determined by reference to the regulations for the zone in which the sign is to be erected.
2. The regulations of this section shall regulate and control the type, size, location, and number of signs. No sign shall hereafter be erected or used for any purpose or in any manner, except as permitted by the regulations of this section.
3. The provisions of this code are specifically not for the purpose of regulating the following: traffic and directional signs installed by a governmental entity; signs not readable from a public right-of-way or adjacent property; merchandise displays; point of purchase advertising displays, such as product

dispensers; national flags, flags of a political subdivision, and symbolic flags of an institution or business; legal notices required by law; historic site plaques; gravestones; structures intended for a separate use, such as Goodwill containers and phone booths; scoreboards located on athletic fields; lettering painted on or magnetically flush-mounted onto a motor vehicle operating in the normal course of business; and barber poles.

4. Regulations pertaining to signs in Shoreline Districts are found in Chapter 13.10.

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### **13.06.521 General sign regulations.**

#### **A. Administration.**

1. Land Use Administrator. The Land Use Administrator shall interpret, administer, and enforce the sign code in accordance with Chapter 13.05.

2. Building Official. The Building Official shall issue all permits for the construction, alteration, and erection of signs in accordance with the provisions of this section and related chapters and titles of the Tacoma Municipal Code (see Chapter 2.05). In addition, all signs, where appropriate, shall conform to the current Washington State Energy Code (see Chapter 2.10), National Electrical Code, and the National Electrical Safety Code. Exceptions to these regulations may be contained in the Tacoma Landmarks Special Review District regulations, Chapters 1.42 and 13.07.

3. Applicability. All new permanent signs, painted wall signs, and temporary off-premises advertising signs require permits. Permits require full conformance with all City codes, particularly Titles 2 and 13. Signs not visible from a public right-of-way or adjacent property are not regulated herein, but may require permits pursuant to the provision of Title 2.

4. In addition to and notwithstanding the provisions of this section, all signs shall comply with all other applicable regulations and authorities, including, but not limited to, Chapter 47.42 RCW – Highway Advertising Control Act – Scenic Vistas Act and Chapter 468-66 WAC – Highway Advertising Control Act.

5. Substitution Clause. Any sign allowed under this Code may contain, in lieu of any other message or copy, any lawful noncommercial message or copy.

B. Exempt signs. The following signs shall be exempt from all requirements of this section and shall not require permits; however, this subsection is not to be construed as relieving the user of such signage from responsibility for its erection and maintenance, pursuant to Title 2 or any other law or ordinance relating to the same.

1. Changing of the advertising copy or message on a sign specifically designed for the use of replaceable copy.

2. Repainting, maintenance, and repair of existing signs or sign structures; provided, work is done on-site and no structural change is made.

3. Signs not visible from the public right-of-way and beyond the boundaries of the lot or parcel.

4. Incidental and warning signs.

5. Sculptures, fountains, mosaics, murals, and other works of art that do not incorporate business identification or commercial messages.

6. Signs installed and maintained on bus benches and/or shelters within City right-of-way, pursuant to a franchise authorized by the City Council.

7. Seasonal decorations for display on private property.

8. Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible material.

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9. Signs of public service companies indicating danger and aid to service or safety.
  10. Non-electric bulletin boards not exceeding 12 square feet in area for each public, charitable, or religious institution, when the same are located on the premises of said institutions.
  11. Construction signs denoting a building which is under construction, structural alterations, or repair, which announce the character of the building enterprise or the purpose for which the building is intended, including names of architects, engineers, contractors, developers, financiers, and others; provided, the area of such sign shall not exceed 32 square feet.
  12. Window sign.
  13. Political signs, as set forth in Title 2.
  14. Real estate signs, 12 square feet or less, located on the site. Condominiums or apartment complexes shall be permitted one real estate sign with up to 12 square feet per street frontage. Such sign(s) may be used as a directory sign that advertises more than one unit in the complex.
  15. Off-premises open house or directional signs, subject to the following regulations:
    - a. The signs may be placed on private property or on the right-of-way adjacent to said private property, with the permission of the abutting property owner. The signs shall be displayed in such a manner as to not constitute a traffic hazard or impair or impede pedestrians, bicycles, or disabled persons. If either condition is not met, the abutting property owner or the City may remove the sign.
    - b. Signs shall not be fastened to any utility pole, street light, traffic control device, public structure, fence, tree, shrub, or regulatory municipal sign.
    - c. A maximum of three off-premises open house or directional signs will be permitted per single-family home. One additional open house or directional sign identifying the open house shall be permitted at the house being sold.
    - d. Signage shall not exceed four square feet in area per side (eight square feet total) and three feet in height. Off-premises open house or directional signs shall not be decorated with balloons, ribbons, or other decorative devices.
    - e. Signage shall only be in place between the hours of 11:00 a.m. and 6:00 p.m., when the seller of the product, or the seller's agent, is physically present at the location of the product.
    - f. Each off-premises open house or directional sign that is placed or posted shall bear the name and address of the person placing or posting the sign in print not smaller than 12 point font. The information identifying the name and address of the person placing or posting the sign is not required to be included within the content of the speakers' message, but may be placed on the underside of the sign or in any other such location.
    - g. New plats may have up to a maximum of eight plat directional signs for all new homes within the subdivision. New plat directional signs shall identify the plat and may provide directional information but shall not identify individual real estate brokers or agents. New plat directional signs shall be limited in size and manner of display to that allowed for off-premises open house or directional signs. Off-premises open house or directional signs shall not be permitted for new homes within new plats.
    - h. A maximum of three off-premises open house or directional signs shall be allowed per condominium or apartment complex.
  16. Professional name plates two square feet or less.
  17. Changing plex-style faces in existing cabinets; provided, work is done on-site without removing sign.
- C. Prohibited signs. The following commercial signs are prohibited, except as may be otherwise provided by this chapter:
1. Signs or sign structures which, by coloring, wording, lighting, location, or design, resemble or conflict with a traffic control sign or device, or which make use of words, phrases, symbols, or characters in such

a manner as to interfere with, mislead, or confuse persons traveling on the right-of-way or which, in any way, create a traffic hazard as determined by the City Engineer or his or her designee.

2. Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicular traffic, or which obstruct a clear view of official signs or signals as determined by the City Engineer or his or her designee.

3. Signs, temporary or otherwise, which are affixed to a tree, rock, fence, lamppost, or bench; however, construction, directional, and incidental signs may be affixed to a fence or lamppost.

4. Any sign attached to a utility pole, excluding official signs as determined by Tacoma Public Utilities.

5. Signs on public property, except when authorized by the appropriate public agency.

6. Signs attached to or placed on any stationary vehicle or trailer so as to be visible from a public right-of-way for the purpose of providing advertisement of services or products or for the purpose of directing people to a business. This provision shall not apply to the identification of a firm or its principal products on operable vehicles operating in the normal course of business. Public transit buses and licensed taxis are exempt from this restriction.

7. Roof signs, except where incorporated into a building to provide an overall finished appearance.

8. All portable signs not securely attached to the ground or a building, including readerboards and A-frames on trailers, except those allowed by the regulations of the appropriate zoning district.

9. Abandoned or dilapidated signs.

10. Portable readerboard signs.

11. Inflatable signs and blimps.

12. Digital Billboards

~~12~~13. Off-premises signs, except pursuant to Section 13.06.521.L.

D. Special regulations by type of sign. In addition to the general requirements for all signs contained in this section, and the specific requirements for signs in each zone, there are special requirements for the following types of signs:

1. Wall signs.

2. Projecting signs.

3. Freestanding signs.

4. Marquee signs.

5. Under-marquee signs.

6. Canopy and awning signs.

7. Temporary signs.

8. Off-premises directional signs.

9. Billboards (~~outdoor advertising sign~~).

The special requirements for these signs are contained in subsections E through M of this section.

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L. Off-premises directional signs. Special regulations governing off-premises directional signs are as follows:

1. Off-premises directional signs shall be limited to a maximum of 15 square feet in area and 6 feet in height.



2. Off-premises directional signs shall contain only the name of the principal use and directions to the use in permanent lettering.
3. Off-premises directional signs shall be placed on or over private property, except that business district identification signs may be located and comply with the applicable requirements of Title 9.
4. Off-premises directional signs are permitted when on-premises signs are inadequate to identify the location of a business. If applicable, only one such sign shall be allowed.

M. ~~Billboards (outdoor advertising signs).~~ Special regulations governing billboards are as follows:

1. a. ~~New billboard faces. Any new billboard must be installed in compliance with this chapter. In no case shall the number of billboard faces, associated structures, and total square footage of billboards as defined by this code exceed that in existence on August 1, 2011. This number shall include billboard faces for which relocation permits are held. Further, this number shall be reduced on March 1, 2012, by the number and square footage of nonconforming billboard faces in existence upon passage of this code. Any person, firm, or corporation who maintains billboard structures and faces within the City of Tacoma shall be authorized to maintain only that number of billboard structures and faces that they maintained on April 12, 1988, except for transfers permitted in subsection 1.e of this section. A person who maintains any such billboard structures and faces may, thereafter, relocate a billboard face or structure to a new location as otherwise authorized by this section. No other billboards shall be authorized, and there shall be no greater total number of billboard structures and faces within the City than the number that were in existence on April 12, 1988. That number of structures and faces shall include those for which permit applications had been filed prior to April 13, 1988. As unincorporated areas are annexed to the City of Tacoma, the total number of billboard structures and faces in that area will constitute an addition to the number authorized in the City of Tacoma.~~

~~b. Upon removal of an existing billboard face or structure, a relocation permit shall be issued authorizing relocation of the face to a new site. There shall be no time limit on the billboard owner's eligibility to utilize such relocation permits. In the event that a billboard owner wishes to remove a billboard and does not have immediate plans for replacement at a new location, an inactive relocation permit shall be issued. There shall be no time limit on the activation of the inactive permit and such permits are transferable. The application for a relocation permit shall include an accurate site plan and vicinity map of the billboard face or structure to be removed, as well as a site plan and vicinity map for the new location. Site plans and vicinity maps shall include sufficient information to determine compliance with the regulations of this chapter. The above provisions shall not apply to billboards whose permit applications were applied for prior to April 13, 1988, and not erected, unless the applicants or owners agree within 60 days to have such billboards, subject to all the provisions of this chapter.~~

~~eb. Expiration of relocation permits. Relocation permits issued pursuant to TMC 13.06.521.M prior to its amendment on September 1, 2011, related to the removal of nonconforming billboards, shall expire on September 1, 2012 or within 6 months of issuance, whichever is later. Relocation permits shall be transferable upon the billboard owner's written permission.~~

~~ec. Demolition. Removal of all faces from a billboard structure shall also require the issuance of a demolition permit for the structure itself and removal of billboard faces (and their associated structures, if necessary) shall be completed prior to the construction of new or relocated billboard faces. Structures removed shall be removed to grade and the grade restored at the site. In no case shall the number of billboard faces or structures increase, and the square footage of billboard sign area to be relocated shall be equal to or less than the square footage of billboard sign area to be removed. Removal of a billboard structure shall also require the issuance of a demolition permit, and removal of billboard faces and structures shall be completed prior to the installation of relocated billboard faces or structures. The billboard owner shall have the right to accumulate the amount of square footage to be allowed, at the owner's discretion, to new sign faces and structures permitted under this chapter.~~

2. Maintenance. All billboards, including paint and structural members, shall be maintained in repair and in compliance with all applicable building code requirements. Billboards shall be kept and free of debris. The exposed area of backs of billboards must be covered to present an attractive finished appearance. Failure to maintain the billboard or its structure, including exterior painting constitute a violation of this section and be subject to strict enforcement under the Land Use Code Enforcement procedures and penalties (Section 13.05.100), which may include removal by the Council at the expense of the property owner, sign owner, or permittee.

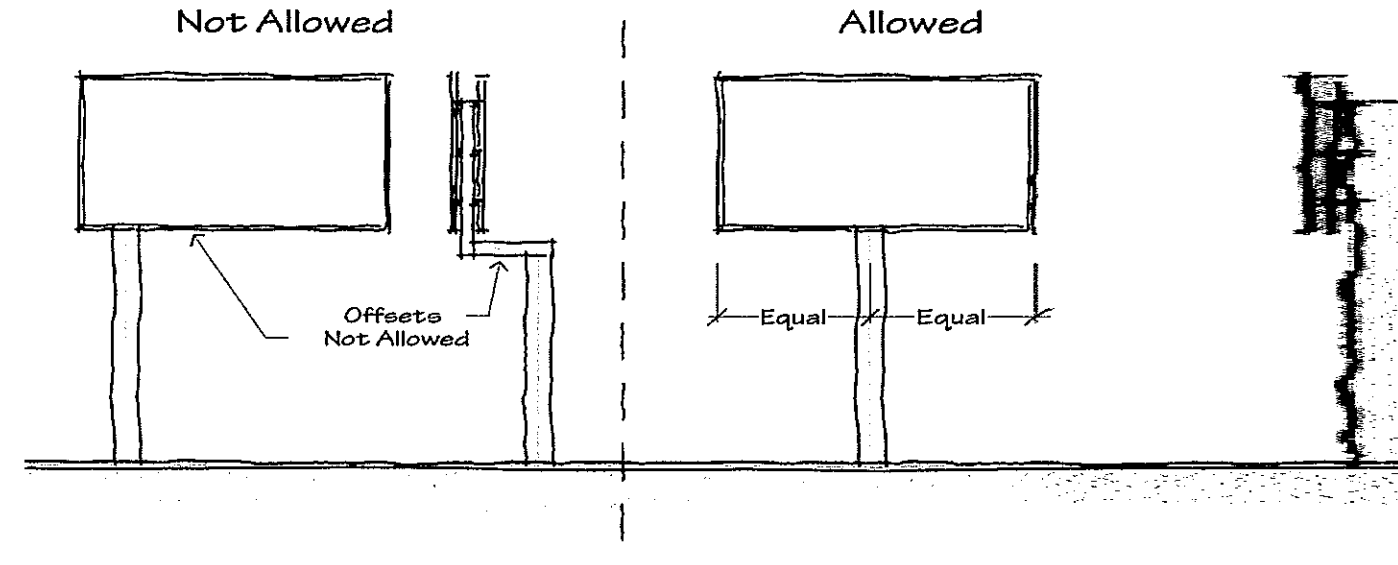
3. Design standards. The following design standards apply to all billboards.

a. Each sign structure must, at all times, include a facing of proper dimensions to conceal back and framework of structural members and/or any electrical equipment. During periods of repair, alteration, or copy change, such facing may be removed for a maximum period of 48 consecutive days.

b. No more than two billboard faces shall be located on a single structure.

c. Billboard faces located on the same structure shall be positioned back-to-back (i.e., their backs parallel to each other) and within five (5) degrees of perpendicular to the roadway from which they will be viewed.

d. Billboard faces must be in line with the support structure and no cantilevered design will be allowed (see diagram below).



e. The billboard face or structure must be located within ten (10) feet of the property line which fronts the roadway from which the billboard is to be viewed.

f. No billboard can be located in such a way so that any portion of the sign face or structure is above a building.

g. No billboard may be constructed on a site where there is a freestanding sign.

4. Landscaping. The following standards apply to all billboards installed after August 1, 2011.

a. No code-required landscaping may be diminished for the installation of a billboard.

b. When the base of the billboard support is visible from the adjacent sidewalk and/or street the support shall be surrounded with a 5-foot-wide landscaping buffer composed of shrubs and groundcover not to exceed 36-inches in mature height.

c. Any alteration to any street tree (removal or pruning) is subject to City review and approval.

45. Dispersal. Billboard faces not located on the same structure shall be a minimum of 500 feet apart, including billboards which may be located outside the City Limits.

~~a. Not more than a total of four billboard faces attached to not more than two support structures shall be permitted on both sides of a street within any distance of 1,000 feet measured laterally along the right-of-way, with a minimum of 100 feet between such structures.~~

~~b. There shall be at least 300 linear feet of land, which is properly zoned, which permits billboards on one side of the street in order to erect one billboard structure on that side of the street. There shall be at least 600 linear feet of land, which is properly zoned, which permits billboards on one side of the street in order to erect more than one billboard structure on that side of the street.~~

~~e. The property on the opposite side of the street from the proposed billboard location must also be properly zoned to permit billboards.~~

56. Size. The maximum area of any one sign shall be 300 square feet, with a maximum vertical sign face dimension of 12.5 feet and maximum length of 25 feet, inclusive of any border and trim, but excluding the base or apron, supports, and other structural members; provided, cut-outs and extensions may add up to 20 percent of additional sign area.

67. Lighting.

a. No internally illuminated billboards are allowed.

b. All lighting must be shielded to maintain light on the subject property.

c. Lighting shall be directed toward the billboard and utilize cutoff shields or other means to prevent glare and spillover onto adjacent properties or skyward.

d. No flashing billboards shall be permitted.

e. Signs shall not imitate or resemble traffic control devices.

6. Indirect or internal lighting shall be the only allowable means of illumination. No flashing signs shall be permitted.

78. Buffering- Sensitive uses/areas. No billboard shall be located on, in, or within 250-500 feet of the following, whether within or outside the Tacoma City Limits:

a. A residential district;

b. A mixed-use district (X-district);

bc. Any publicly-owned open space, playground, park, or recreational property, as recognized in the adopted Open Space Habitat and Recreation Element, "Recreation and Open Space Facilities Plan," as amended;

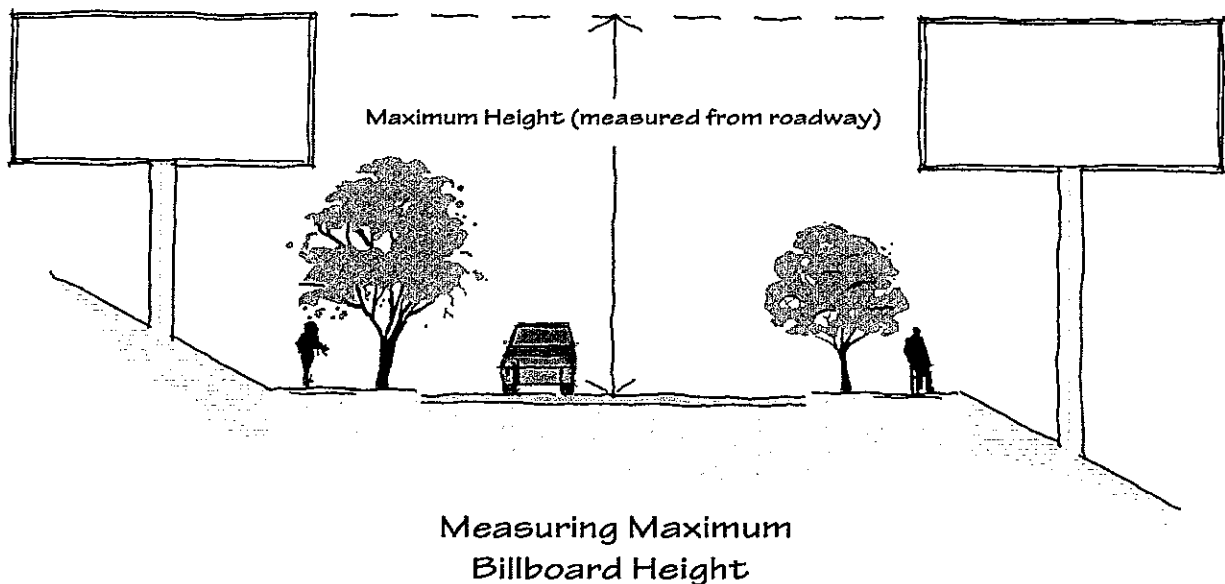
de. Any ~~church~~ religious institution or primary or secondary school; or

ed. Any designated historic or conservation district, whether on the federal, state, or local register of historic properties.

~~f.8. No billboard shall be located on, in, or within 375 feet of a~~ Any shoreline district.

~~9. Rooftop (billboard) signs are prohibited.~~

109. The maximum height of all billboard signs shall be 30 feet, except in the PMI District, where the maximum height shall be 45 feet. For the purpose of this section, height shall be the distance to the top of the normal display face from the main traveled way of the road from which the sign is to be viewed (see diagram below).



110. Location – Billboards shall only be allowed in the C-2, M-1, M-2, and PMI zoning districts.

~~Billboard signs which advertise a business, event, or person located on the same premises as the billboard sign shall be considered an on-premises sign and must meet all criteria for the location of on-premises signs.~~

N. Nonconforming signs. It is the intent of this subsection to allow the continued existence of legal nonconforming signs, subject, however, to the following restrictions:

1. No sign that had previously been erected in violation of any City Code shall, by virtue of the adoption of this section, become a legal nonconforming sign.

2. No nonconforming sign shall be changed, expanded, or altered in any manner which would increase the degree of its nonconformity, or be structurally altered to prolong its useful life, or be moved, in whole or in part, to any other location where it would remain nonconforming. However, a legal nonconforming on-premises sign may be altered if the degree of nonconformity for height and sign area is decreased by

25 percent or greater. For purposes of this subsection, normal maintenance and repair, including painting, cleaning, or replacing damaged parts of a sign, shall not be considered a structural alteration.

3. Any sign which is discontinued for a period of 90 consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and shall not, thereafter, be reestablished, except in full compliance with this chapter. Any period of such discontinuance caused by government actions, strikes, material shortages, acts of God, and without any contributing fault by the sign user, shall not be considered in calculating the length of discontinuance for purposes of this section.

4. Any nonconforming sign damaged or destroyed, by any means, to the extent of one-half of its replacement cost new shall be terminated and shall not be restored.

5. All existing billboards within the City which are not in compliance with the requirements of this section on ~~July 22, 1997~~ September 1, 2011, are considered to be nonconforming billboards. In addition to the provisions of TMC 13.06.521 N.6, ~~n~~Nonconforming billboards shall be made to conform with the requirements of this section under the following circumstances:

a. When any substantial alteration is proposed on a premises upon which is located a nonconforming billboard, the billboard shall be removed or brought into conformance with this section. For purposes of this provision, "substantial alteration" means all alterations within a two-year period whose cumulative value exceeds 200% of the value of the existing development or structure, as determined by the applicable Building Code, excluding purchase costs of the property and/or structure.~~When any new sign for which a sign permit is required by this section is proposed to be installed on a premises upon which is located a noneonforming billboard, the billboard shall be removed or brought into conformance with this section for each new sign installed for a particular business.~~

b. Whenever a building, or portion thereof, to which a nonconforming billboard is attached (such as upon the roof or attached to a wall), is proposed to be expanded and/or remodeled, all nonconforming billboards shall be removed or brought into compliance with this section if the value of the alterations within any two-year period is greater than or equal to 50 percent of the value of the existing building, as determined by the Building Code, excluding purchase costs of the property and/or structure.~~Whenever a building, or portion thereof, upon which is located a noneonforming rooftop (billboard) sign is proposed to be expanded or remodeled, all nonconforming rooftop billboard signs located on that portion of the building being remodeled or expanded shall be removed or brought into compliance with this section if such expansion or remodel adds to the building the lesser of:~~

~~(1) Twenty percent or more of the floor area of the existing building;~~

~~(2) One thousand square feet floor area; and~~

~~(3) A value for the new construction or remodeling greater than or equal to 50 percent of the assessed value of the existing building.~~

e. ~~Whenever any modification is to be made to the structure, frame, or support of any noneonforming billboard sign, such noneonforming billboard sign shall be removed or brought into conformance with this section.~~

d. ~~Whenever the facade of a building upon which is located a noneonforming billboard wall sign is remodeled or renovated, all nonconforming billboard wall signs located on the portion of the facade being renovated shall be brought into conformance with this section.~~

6. ~~The provisions of subsection 5 shall control, except in those instances where an applicant or owner can demonstrate that there exists a binding contract to allow a billboard sign that contains financial penalty provisions for early termination or the absence of termination provisions in the contracts with billboard companies. In those instances, a permit may be issued on the condition that when the contract for the billboard expires, or an option for renewal occurs, the billboard will then be removed, pursuant to subsection 5 above.~~

a. ~~To insure compliance with this section, the property owner shall enter into an agreement with the City that identifies the termination date of the contract to allow the billboard and a provision that, if the billboard is not removed, the sign permit issued pursuant to this section will be revoked and the sign will be removed, pursuant to subsection e below.~~

b. ~~This provision shall only apply to contracts entered into prior to the adoption of these regulations (July 22, 1997).~~

e. ~~Any business owner or property owner seeking to obtain a sign permit for a property that has a nonconforming billboard located on it, and can demonstrate that there are either penalty provisions or the absence of termination provisions in the contracts with billboard companies in the City, shall apply for approval in accordance with the following procedures:~~

(1) ~~Application. Prior to installation of a sign, the property owner shall apply for a sign permit with Building and Land Use Services. A complete application shall include a properly completed application form, structural plans, and fees, as prescribed in subsection c.(2) below.~~

(2) ~~Fees. An applicant shall pay a fee for the inspection, notification, recording, and enforcement related to the continuation of nonconforming billboards, pursuant to Section 2.09.080, and is in addition to any other required fees.~~

(3) ~~Concomitant agreement. Prior to the approval of the sign permit, the property owner shall execute a concomitant agreement with the City. Such agreement shall be in a form as specified by Building and Land Use Services, and approved by the City Attorney, and shall include, at a minimum: (a) the legal description of the property which has been permitted for the sign permit; and (b) the conditions necessary to apply the restrictions and limitations contained in this section. The concomitant agreement will be recorded prior to issuance of a sign permit by Building and Land Use Services. The concomitant agreement shall run with the land until the nonconforming billboard is removed from the property. The property owner may, at any time, apply to Building and Land Use Services for a termination of the concomitant agreement. Such termination shall be granted, upon proof that the business sign no longer exists on the property or upon proof that the nonconforming billboard no longer exists on the property.~~

(4) ~~Permit issuance. Upon receipt of a complete application, application fees, completed concomitant agreement, and upon approval of the structural plans, a sign permit shall be approved.~~

(5) ~~Violations. A violation of this section regarding provision of ownership shall be governed by Section 13.05.100.~~

(6) ~~Amortization. All legal nonconforming billboard signs shall be discontinued and removed or made conforming within ten years from the effective date of this section, on or before August 1, 2007 March 1, 2012, and all billboards signs, which are made nonconforming by a subsequent amendment to this section, shall be discontinued and removed or made conforming within ten years after the date of such amendment (collectively the "amortization period"). Upon the expiration of the amortization period, the billboard sign shall be brought into conformance with this section, with a permit obtained, or be removed. Failure to remove a nonconforming billboard by the above date will result in enforcement action being taken pursuant to TMC 13.05.100. Nonconforming billboard signs that are removed prior to the end of the amortization period shall be given an inactive relocation permit, pursuant to subsection M.1.b. of this section.~~

O. Sign variances. Refer to Section 13.06.645.B.5.

P. Section 2. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Chapter or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Chapter ordinance or its application to any other person or situation.

(Ord. 27912 Ex. A; passed Aug. 10, 2010; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27813 Ex. D; passed Jun. 30, 2009; Ord. 27562 Exhibit A; passed Dec. 12, 2006; Ord. 27245 § 15; passed Jun. 22, 2004; Ord. 27079 § 39; passed Apr. 29, 2003; Ord. 26933 § 1; passed Mar. 5, 2002)

**13.06.700 Definitions and illustrations.**

\* \* \*

Billboard, standard. An off-premises sign greater than 72 square feet in size. This type of sign is generally composed of materials (panels or modules) mounted on a building wall or freestanding structure, or painted directly on the wall or freestanding structure.

Billboard, digital. An off-premises sign greater than 72 square feet in size, utilizing digital message technology capable of changing the message or copy on the sign electronically. Digital billboards are not considered under the definitions of animated sign, changing message centers, electrical signs, illuminated signs, or flashing signs.

\* \* \*

Sign. Any materials placed or constructed, or light projected, that (a) convey a message or image, and (b) are used to inform or attract the attention of the public, but not including any lawful display of merchandise. Some examples of “signs” include placards, A-boards, posters, murals, diagrams, banners, flags, billboards, or projected slides, images or holograms. The applicability of the term “sign” does not depend on the content of the message or image conveyed.

\* \* \*

Sign, billboard. See 13.06.700.B, above.

\* \* \*

Sign, off-premises. A permanent sign not located on the premises of the use or activity to which the sign pertains.

\* \* \*

Sign, on-premises. Any sign identifying or advertising a business, person, activity, goods, products, or services primarily located on the premises where the sign is installed or maintained. A permanent sign located on the premises of the use or activity to which the sign pertains.