TOWN OF COUPEVILLE
Couperville, Washington

ORDINANCE NO. 736

AN ORDINANCE OF THE TOWN OF COUPEVILLE, WASHINGTON, AMENDING THE TOWN’S DEVELOPMENT REGULATIONS AS SET FORTH IN TITLE 16 OF THE COUPEVILLE TOWN CODE BY AMENDING CHAPTER 16.28 RELATING TO SIGNS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Town of Couperville’s current sign regulations in Chapter 16.28 of the Couperville Town Code (CTC) (hereinafter, the “Sign Code”) were, in significant part, adopted with Ordinance 532 in 1996, with certain amendments to the administrative provisions adopted in 2011 with Ordinance 692; and

WHEREAS, the Town Council finds it appropriate to review and update development regulations from time to time to ensure that such regulations are understandable, consistent with the current vision for and circumstances of the Town, and enforceable consistent with current law; and

WHEREAS, in 2015, the United States Supreme Court, in its decision in the case of Reed v. the Town of Gilbert, Arizona, established a higher constitutional bar for local sign regulations that brought into question the enforceability of certain provisions of the Sign Code; and

WHEREAS, the Couperville Planning Commission, over the course of five open public meetings in 2016 reviewed the current provisions of the Sign Code and proposed broad amendment of the chapter; and

WHEREAS, on March 7, 2017, the Planning Commission held a duly advertised public hearing on the proposed amendments to the Sign Code and all persons wishing to be heard were heard; and

WHEREAS, following the public hearing, the Planning Commission deliberated and took action to forward a recommendation to the Town Council on amendments to the Sign Code; and

WHEREAS, pursuant to RCW 36.70A.106, the Town has notified the Washington State Department of Commerce of the Town’s intent to adopt the proposed amendments to the development regulations in Title 16 CTC; and

WHEREAS, the Town Planner, acting as the Town’s Responsible Official under the State Environmental Policy Act (SEPA), reviewed the proposed legislation and, on April 8, 2017, issued a determination of non-significance with a 15-day comment period; and
WHEREAS, on March 28, 2017, a duly advertised public hearing on the proposed amendments was held before the Town Council and all persons wishing to the heard were heard; and

WHEREAS, public notices of the SEPA threshold determination and the public hearings for the legislation contained herein were provided as required by law; and

WHEREAS, following the close of the public hearing, the Town Council reviewed the recommendations of the Planning Commission, public comments, and other documents and information in the public record relevant to proposal; and

WHEREAS, the Town Council finds that the amendments to the Sign Code are consistent with the Comprehensive Plan and in the interest of the public health, safety and welfare of Coupeville residents and property owners;

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF COUPEVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 16.28 CTC entitled “Signs” is amended to read as follows:

DRAFT Chapter 16.28 – SIGNS

Sections:
16.28.010 Regulatory Purposes
16.28.020 Applicability
16.28.030 Exemptions
16.28.040 Prohibited Signs
16.28.050 Temporary Signs
16.28.060 Dimensional Calculations
16.28.070 Permanent signs – Commercial and Public Zones
16.28.080 Permanent signs – Residential zones
16.28.090 Nonconforming Signs
16.28.100 Sign Design
16.28.110 Administration
16.28.120 Sign Variances
16.28.130 Definitions
16.28.140 Severability
16.28.010 Regulatory Purposes
The intent of this chapter is to promote public health, safety, and welfare through a comprehensive system of effective, balanced, content-neutral, and nondiscriminatory sign standards and requirements that achieve the following purposes:

A. To further the goals and policies of the Comprehensive Plan;
B. To protect and enhance the historic and rural identity of the Town and the character of its various districts and corridors, and in so doing to preserve Ebey’s Landing National Historical Reserve;
C. To promote economic vitality both by preserving the aesthetic qualities of the Town and by providing businesses and organizations reasonable means to inform, identify, and communicate with the public;
D. To recognize free speech rights by regulating signs in a content-neutral manner;
E. To foster public safety and the free flow of pedestrian and vehicular traffic along public ways by ensuring that signs are in safe and appropriate locations and do not create visual distractions; and
F. To provide consistency and predictability to applicants and the community and to minimize the need for administrative interpretations.

16.28.020 Applicability
A. This chapter applies to all signs, as defined in Section 16.28.130, within the town that are visible from any public street, sidewalk, or public place, regardless of the type or nature.

B. This chapter is not intended to, and shall not be interpreted to, restrict speech on the basis of its content, viewpoint, or message. Any classification of sign in this chapter that purports to permit speech by reason of the type of sign, identity of the sign user, or otherwise shall be interpreted to allow commercial or non-commercial speech on the sign. No part of this Chapter shall be construed to favor commercial speech over non-commercial speech. To the extent that any provision of this Chapter is ambiguous, the term shall be interpreted not to regulate speech on the basis of the content of the message.

C. No person shall erect, alter, or relocate any sign requiring a permit under this chapter without first submitting a sign permit application and receiving approval of the sign permit from the Town. Signs may also be subject to regulations in other sections of this code including, but not limited to, Construction within Town Right-of-Way (Chapter 12.12 CTC), Construction Codes (Chapter 15.04 CTC), and Ebey’s Landing National Historical Reserve Design Review and Community Design Standards (Chapter 16.13 CTC). Signs for which building permits are not required shall comply with all applicable code provisions.

16.28.030 Exemptions
This chapter does not apply to the following exempt signs and activities relating to signs. Except as stated in this section, exempt sign types are not subject to limitations on the number and area of signs permitted for any site or use. All exemptions within this section shall be narrowly construed to further the regulatory intent of this chapter.
A. Repair or maintenance of conforming or nonconforming signs, as defined in this chapter, that does not change the approved dimensions, design, materials, orientation, or location. The change of text on a reader board shall not be construed as a change to the sign.

B. Address and building identification numbers as required by Title 12 CTC so that public safety agencies can easily identify the address from the public street. Except where a taller minimum character size is required by law, numerals and/or letters comprising an address shall not exceed 12 inches in height.

C. Governmental signs installed by or required to be installed by the Town or County or a federal or State governmental agency for the protection of the public health, safety, and general welfare, including, but not limited to, the following:
   1. Emergency and warning signs necessary for public safety or civil defense;
   2. Traffic signs and devices, signs showing the location of public facilities, and wayfinding signs erected and maintained within public rights-of-way or on publicly-owned land by the Town, Island County, or an agency of the State or federal governments;
   3. Signs required to be displayed by law; and
   4. Any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibility to protect the public health, safety and general welfare.

D. A flag that has been adopted by a governmental entity and displayed as provided under applicable law.

E. A sign or display designed and located to be viewed exclusively by patrons of or visitors to such site, use, or uses and not visible from any public right-of-way or other off-site location.

F. A sign painted, mounted, or located on an operational, legally licensed, and legally parked motor vehicle or on a trailer connected to an operational and legally licensed motor vehicle.

G. A sign on a permanently affixed outdoor bench or table when the total sign area on the fixture is no greater than 1.5 square feet.

H. Privately-maintained traffic and parking control signs on private roads or in parking lots with a sign face less than two square feet.

I. Signs of public utility companies indicating danger or which serve as an aid to public safety or which show the location of underground facilities or of public telephones.

J. “No trespassing”, “no dumping”, “no parking”, “private”, signs identifying essential public needs such as restrooms, entrance, exit, etc., and other informational warning signs that do not exceed two square feet.
K. Structures or improvements intended for a separate use, such as phone booths, donation containers, and recycling boxes.

L. Point of purchase advertising displays such as product dispensers, provided that no portion of the display is internally illuminated.

M. Temporary decorative displays that do not identify any place, subject, person, firm, business, product, article, merchandise or point of sale or other characteristics that would represent signage. Within rights-of-way, a right-of-way permit is required. Decorative displays subject to this exemption are limited to 30-day durations.

16.28.040 Prohibited Signs

Signs are prohibited in all zoning districts and in all Town rights-of-way unless authorized under this code and constructed or installed pursuant to a valid permit, where required. The following types of signs are specifically prohibited.

A. Any sign that emits smoke, visible particles, odors, or sounds.

B. Except traffic control devices compliant with the Manual on Uniform Traffic Control Devices, exempt displays allowed under CTC 16.28.030M, and temporary signs allowed under CTC 16.28.050F, any sign that is internally illuminated or contains bare bulb, neon, light emitting diode, or electronic changing message component(s), an intermittent or flashing light source, the illusion of an intermittent or flashing light by means of animation, or an externally mounted intermittent lights source.

C. Any sign that is dangerous or confusing to motorists on the public right-of-way, including any sign that, by its color, wording, location, or illumination, resembles or conflicts with any official traffic control device or hat otherwise impedes the safe and efficient flow of traffic.

D. Except as otherwise provided in this chapter, any sign within the right-of-way except signs required by law and governmental signs intended to foster public safety and the free flow of pedestrian and vehicular traffic along public ways.

E. Signs with a slick white or light-colored finish intended to be written on with non-permanent markers.

F. Except as specifically allowed in this chapter, any rotating or revolving sign, or sign where all or a portion of the sign moves or appears to move in some manner. This includes any sign animated by any means, including fixed aerial displays, balloons, pennants, spinners, propellers, whirling, or similar devices designed to flutter, rotate or display other movement under the influence of the wind, streamers, tubes, sails, or other devices affected by the movement of air or other atmospheric or mechanical means. This does not include historic signs and historic replica signs where the applicant is able to demonstrate, through documentation or other evidence, that the original historic sign produced the same motion/movement and is proposed in the same location.
G. Except as specifically allowed in this chapter, portable signs including, but not limited to, A-frame signs.

H. Signs located on or over a pitched roof or above a flat roof, except that a sign may be located on a false front or below the top of a parapet.

I. Murals.

J. Any other type or kind of sign that does not comply with the terms, conditions, provisions and intent contained in these regulations.

16.28.050 Temporary signs
Signs allowed under this section do not require a sign permit and are not limited by sign area allocations.

A. In a residential zone, one temporary sign with a sign face no larger than two square feet may be displayed on the property at any time.

B. In a residential zone, a property owner may display flags without limitation to number, provided the presence of the flag or its mounting does not create an obstacle or safety hazard for pedestrians or motorists.

C. In a non-residential zone, in addition to any exempt flag(s), one flag may be displayed per building on a pole extending from a building façade where the presence of the flag or its pole does not create an obstacle or safety hazard for pedestrians or motorists.

D. In the Public/Quasi-Public zone, banners not larger than 30 square feet in area may be displayed for up to 14 consecutive days, and one A-frame sign not exceeding six square feet per sign face may be displayed outside a public right-of-way for each principal building on a site for up to three consecutive days. Banners and A-frame signs shall not be displayed without the written approval of the property owner.

E. One temporary sign with a maximum sign area of ten square feet may be located on a property when the owner consents and that property is being offered for sale or lease. Such signs shall be removed within fifteen days following the date on which the contract of sale or lease has been executed by the person purchasing the property.

F. From November 15 to January 15, a property owner may place an unlimited number and dimension of temporary signs on the property and may use lights and other displays to decorate the property even if the lights are arranged to form a sign and if the lights and other displays flash or produce noise.

G. Temporary directional and traffic control signs allowed within public rights-of-way under a special event permit.

H. Temporary window signs.

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I. Any other temporary signs that must be allowed under the State or Federal Constitution.

16.28.060 Dimensional calculations
A. Sign area measurements. Sign area for all sign types is measured as follows:
   1. Background panel or surface. Sign copy mounted, affixed, or painted on a background panel or surface distinctively painted, textured, or constructed as a background for the sign copy is measured as that area contained within the smallest rectangle that will enclose the sign copy and the background.
   2. Individual wall-mounted letters or graphics. Sign copy mounted as individual letters or graphics against a wall, fascia, or other vertical surface of a building that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy is measured as the sum of the smallest rectangle that will enclose all portions of the text and copy.
   3. The sign area for signs with multiple faces shall be the cumulative total of all sign faces.
   4. For freestanding signs, a structural or architectural framework distinguishable from the sign face and extending past the sign face no farther than twenty percent of the width of the sign face is not to be included in the sign area calculation.

B. Sign height measurements. A freestanding sign within five feet of a public path or sidewalk shall be measured from the elevation of the adjacent path or sidewalk to the highest point on any sign face. Freestanding signs not within five feet of a public sidewalk or path shall be measured from the average of the highest and lowest finished grades within three feet of any portion of the sign base to the highest point on any sign face.

16.28.070 Permanent signs – Commercial and Public Zones
The regulations in this section apply to the Town Commercial (TC), General Commercial (GC), Historic/Limited Commercial (HLC), and Public/Quasi-Public (P) zones and to Memorandum of Agreement (MOA) Area E.
A. Sign area allowance. The cumulative permanent sign area for any lot or parcel shall not exceed five percent of the area of the largest building façade, provided that sign area on one façade shall not exceed five percent of the area of that façade. Sign area shall be calculated according to 16.28.060.

B. Maximum sign face area. In no case shall the area of any individual sign face exceed sixty square feet.

C. Building signs. Permitted building signs include flush-mounted, awning, projecting, and window signs.
   1. Subject to the sign area allowance and compliance with the Ebey’s Landing National Historical Reserve Design Guidelines, there is no limitation on the number of building signs or the number of building façades upon which signs may be placed.
2. Signs shall be designed to fit within flat wall areas and shall not cover or obscure important architectural details of a building, such as stair railings, windows, doors, relief features or similar elements intended to be decorative features of a building’s design. Signs should appear to be a secondary feature of the building façade.

3. Projecting signs attached to a façade shall not extend more than four feet from the façade and shall have a maximum of five square feet per face. Projecting signs attached to a canopy or awning shall not exceed three square feet and shall not extend past the perimeter of the canopy or awning from which it is hung. The lowest point on any projecting sign or its frame or bracket shall be a minimum of eight feet above surrounding grade. All projecting signs shall be adequately secured to prevent noise generation. One projecting sign is permitted per ground floor tenant space. Subject to a right-of-way permit under Chapter 12.12 CTC, a projecting sign may extend above pedestrian facilities within a public right-of-way.

4. Awning signs. Signs may be painted on or applied to the vertical faces of fabric awnings only on the vertical sides or skirt. Awning signs shall not be back lit.

5. Window signs. No more than one permanent window sign may be placed in a single window. Permanent window signs are limited to individual painted or vinyl cut-out letter and graphics. Window signs shall not be bright white, fluorescent colors, or high-gloss paint or other material and shall be consistent with historic use of such signs. Permanent window signs are limited to 25 percent of the area of a single window.

6. Rotating content signs. Each building or, for multi-tenant buildings, each tenant space is allowed one rotating content sign for signs intended to change on a regular basis, such as menus and similar non-permanent messages. Rotating content signs shall be flush-mounted and shall consist of an architectural frame identifying the limits of the sign face with or without a clear cover to enclose the message area. After sign permit approval of the frame and cover, if applicable, changes to the content enclosed within the frame shall be subject to the regulations in this chapter but shall not require a new sign application. The area of a rotating content sign within the frame shall not comprise more than 10 percent of a building’s sign area allowance. Containers for dispensing printed materials shall not be considered rotating content signs.

D. Freestanding signs.
1. One freestanding sign in excess of two square feet is permitted per street frontage for any lot or parcel. Where two freestanding signs are permitted on a lot or parcel, such signs shall be separated by a minimum of 60 feet. In the case of adjacent parcels under common ownership with shared parking and/or common access, the lots or parcels shall be considered as one parcel for the purposes of determining the number of freestanding signs.

2. The maximum height of a freestanding sign, including any frame or support structure, shall be the lower of 10 feet or the height to the peak of the associated building.
3. The maximum width of a freestanding sign shall be five feet.

16.28.080 Permanent signs – Residential zones
The regulations in this section apply to the Residential Reserve (RR), Low Density Residential (LDR), Medium Density Residential (RM 9600), and High Density Residential (RH) zones and to MOA Areas A, B, C, D, F, and G.

A. Sign area allowance. A maximum sign area of four square feet per building containing at least one dwelling unit is permitted.

B. Building signs. Building signs shall be flush-mounted.

C. Freestanding. One permanent freestanding sign is allowed for lots, parcels, or subdivisions in excess of one acre subject to the sign area allocation for the site. The permanent sign area allowance for individual buildings on one parcel or in one subdivision may be aggregated on one freestanding sign. In no case shall freestanding signs exceed sixteen square feet cumulatively for all sign faces or exceed 42 inches in height.

16.28.090 Nonconforming Signs
Except A-frame signs, any sign that was legally installed prior to the effective date of these regulations that does not meet the requirements of these regulations shall be allowed to continue to exist. All signage shall be brought into compliance with this chapter at such time as the sign is changed in any way except for maintenance or repair. The change of text on a reader board shall not be construed as a change to the sign. The burden of establishing a sign to be legally nonconforming under this section rests upon the person or persons, firm, or corporation claiming legal status for a sign.

16.28.100 Sign Design
Signs should be designed and constructed to further and enhance the historic and rural character and identity of the Town.

A. Materials. Permanent signs shall be constructed of wood or products designed to closely simulate wood. Sign faces may be constructed of metal for durability. Except signs installed for traffic or other public safety purposes, sign finishes shall be matte and non-reflective. Signs that appear to be synthetic shall not be permitted.

B. Lighting. If illuminated, light sources shall be separated from the sign surface. The light source shall not be concealed within or behind a translucent surface. Except as provided for flags, all lighting shall be downward directed and shall not spill past the boundaries of the property on which the sign is located. Upward illumination of flags is permitted only where required by State or federal law. Halo signs, as defined in this chapter, are prohibited.

C. Color. Colors from a historic palette are encouraged. Use of bright white and bright primary colors are discouraged. Use of fluorescent colors is prohibited.

16.28.110 Administration
A. Application and review
1. An application for a sign permit shall be filed with the Town Planner on forms furnished by the Town together with a fee as set forth in the fee schedule adopted by the Town Council. The applicant shall provide sufficient information to determine if the proposed sign is allowed under this code and other applicable laws, regulations, and ordinances. Where applications propose more than one sign, a permit may be issued for only that portion of the application determined to comply with the standards. Where modifications are necessary to establish compliance with applicable standards, approval of a permit may be subject to conditions. If an application is denied in whole or in part, the Town Planner shall provide a justification for the denial in writing.

2. For sites or buildings housing multiple tenants, the Town Planner may require an master sign plan to allocate sign area by tenant space and for common sign elements.

3. Sign permit applications shall be reviewed by the Town Planner or designee for consistency with the standards in this chapter, according to the sign type and other applicable regulations. A sign permit shall not be issued unless the Town Planner makes written findings and conclusions that the criteria applicable to each sign type, as well as the general standards in this chapter are satisfied. Building permit applications associated with signs shall be reviewed by the Building Official for consistency with the Building Code. For signs using electrical wiring and connections, a licensed electrician shall submit a copy of the electrical permit application to the Town with the original submitted for approval to the State of Washington.

4. If a sign is not installed within one year following the issuance of a sign permit, the permit shall be void. The Town may revoke a sign permit under any of the following circumstances:
   a. The Town determines that information in the application was materially false or misleading;
   b. The sign as installed does not conform to the sign permit application;
   c. The sign violates this code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance, or
   d. The Town Planner or designee determines the sign is not being maintained or has been abandoned. A sign may be determined abandoned if it has been removed or destroyed and has not been replaced within one year of such removal or destruction, or if the building on the site has not had a current certificate of occupancy for one year.

B. Inspection authority. The Town Planner or designee is empowered to enter or inspect any building, structure, or premises in the Town upon which, or in connection with which, a sign, as defined by this code, is located, for the purpose of inspection of the sign, its structural and electrical connections and to ensure compliance with the provisions of this chapter. Such inspections shall be carried out during business hours, unless an emergency exists.

C. Violations. Except as provided in this chapter, it is unlawful for any person to erect, construct, enlarge, or move any sign in the Town or cause the same to be done without first obtaining a permit for each sign, as required by these regulations.
D. Enforcement. The Town Planner shall enforce this ordinance in accordance with the pertinent sections of these regulations. The following procedure shall be used in enforcing the provisions of this chapter.

1. Signs in the Town right-of-way or constituting a public safety hazard. Except as permitted by this chapter, signs installed in the town right of way may be removed by the Town Planner or designee without notice.

2. Other violations. Notification of violations of this chapter shall be made by certified mail to the owner of the sign, or of the building, structure, or premises on which such sign is located. Notice shall be mailed to an address in Town records or Island County Assessor’s records for the owner of the sign and/or the property. Notice shall cite the violated code provision(s) and provide information on the availability of the adopted regulations. The owner shall remove the sign within 14 days or the sign will be removed and a fine may be assessed.

3. Removal. Unauthorized, illegal, or abandoned signs not removed by the owner within 14 days after mailing of notification by certified mail may be removed by the Town Planner or designee. Removed signs or devices shall be stored at the Town shop building for a period not less than 30 days. The owner may redeem such sign or device by payment to the Town Clerk-Treasurer of one hundred dollars. After 30 days has elapsed, the sign shall be destroyed or otherwise disposed. Neither the Town nor any of its agents shall be liable for any damage to a sign impounded or destroyed under this section.

4. Penalty. Any person violating a provision of this chapter may be fined if compliance is not achieved within 14 days of mailing of the notification as described in this section. The fine shall be fifty dollars plus the costs incurred by the Town in the removal and destruction or disposal of the sign in violation of this chapter. Each day such violation continues shall be considered a separate offense.

E. Appeals. Any party aggrieved of a decision based on these regulations shall have the right to appeal a determination by the Town Planner. Appeals must be filed in accordance with Section 16.06.060 of this title.

16.28.120 Sign Variances.

A. Purpose. It is the purpose of this section to provide a variance procedure that is efficient and expeditious while ensuring sufficient public review. Variances are not intended to provide a means to circumvent inconvenient standards or to provide favor or benefit to an applicant that would not be available to another applicant under similar circumstances. Variances shall be content-neutral in all cases. The town planner shall have the authority to grant a variance from the requirements of this chapter.

B. Procedure. The procedure for considering applications for a sign variance is governed by CTC 16.06.050. This is summarized below:
1. Applications shall be submitted on forms provided by the Town accompanied by a fee in accordance with the adopted fee schedule.

2. Within 21 days of receipt of a complete application, the town planner shall make a decision to grant preliminary administrative approval with or without conditions or to deny the application for variance. Written notice of preliminary decision to approve or approve with conditions shall be made to the applicant and to the public in accordance with CTC 16.06.050C.

4. A decision of denial shall be mailed to the applicant within five days of the date of decision. In this decision, the town planner shall state which of the criteria under subsection C of this section cannot be met by the application.

5. Appeals of administrative decisions shall be in accordance with CTC 16.06.050F and CTC 16.060.060A.

C. Criteria. In making the determination, the town planner must find that the following conditions exist in order to approve the request for variance.

1. The literal interpretation and strict application of the provisions and requirements of this chapter would cause undue hardship because of unique or unusual physical circumstances pertaining to the subject property;

2. The unique or unusual conditions do not result from actions of the applicant or owner of the subject property;

3. Granting the variance would not confer a special privilege that is denied to other similarly situated properties;

4. Granting the variance would not be materially detrimental to the property owners in the vicinity or to the general public;

5. Granting the variance would not be contrary to the regulatory purposes of this chapter; and

6. Granting the variance would be in harmony with the purpose and intent of this chapter and would not establish a precedent for subsequent variance requests which could diminish the effect of this chapter.

16.28.130 Definitions

“Building façade” means the total area represented by one building elevation measured from the ground to the roof ridge line and including all door and window areas.

“Flag” means a piece of cloth, attached to a staff extending from a structure or a pole permanently mounted in the ground, with distinctive colors, patterns or symbols. Flags are rectangular with the short dimension at least one-half the long dimension.
“Flush-mounted sign” means a sign which is attached parallel to or painted on a building wall, parapet or canopy fascia.

“Freestanding sign” means a sign and its support pole or base standing directly on the ground that is not attached to or abutting any building or other structure.

“Halo sign” means a sign with a light source placed behind totally opaque letter or symbol so that the light reflects off the wall or background to which the letters or symbols are mounted rather than emanating through the letters or symbols, creating a halo effect that leaves the letters or symbols viewable in silhouette form only.

“Mural” means a work of graphic art painted or applied to a wall of a building or other structure and that contains no advertising or logos.

“Nonconforming sign” means any sign that does not conform to the requirements of this chapter, whether legally established or not.

“Permanent sign” means a sign constructed of weather resistant material and intended for permanent use and that does not otherwise meet the definitions of “temporary sign” or “portable sign”. Rotating content signs shall be considered permanent signage and subject to all standards of this chapter.

“Point of purchase advertising display” means a closed container on the exterior of the building that is designed for dispensing product where the advertising is integral to the device and primarily intended to identify the product contained therein. Examples include newspaper boxes, beverage dispensers, fuel kiosks, and freezers for bagged ice.

“Portable sign” means a free-standing sign that is readily moveable and not permanently affixed to the ground, including A-frame or sandwich board signs, sign trailers not licensed for travel on public streets, pole signs mounted on weighted bases, and similar signs that are used on more than a temporary basis.

“Projecting sign” means a sign attached to a building with the face not parallel to the vertical surface of the building. Projecting signs include signs projecting directly from walls and signs suspended from canopies or similar horizontal elements.

“Sign” means letters, figures, symbols, trademarks, or logos, with or without illumination, intended to identify any place, subject, person, firm, business, product, article, merchandise or point of sale. The term also includes balloons attached to sign structures, products, streamers, spinners, pennants, flags, inflatables or similar devices intended to attract attention to a site or business, as well as murals, architectural or structural forms, illuminated panels, spandrels, awnings and other structural or architectural features not common to classic vernacular or non-corporate regional architecture and that are intended to convey a brand, message or otherwise advertise a location or product, whether or not such features include text or graphics and whether or not they serve other practical purposes such as lighting, covering or enclosure of persons or
products. A sign includes any device which streams, televisuals or otherwise conveys electronic visual messages, pictures, videos or images, with or without sound or odors.

“Sign area allocation” means the maximum cumulative permanent sign area that may be permitted on a site based on the calculation of allowed sign area in this chapter.

“Site” means a unit of land, together with all improvements thereon, determined as follows:
1) A unit of land that may be conveyed separately from any and all adjacent land without the requirement of approval of a boundary line adjustment or subdivision; or

2) Two or more buildings or business activities that are or will be related to each other physically or architecturally, such as by sharing off-street parking facilities, so as to form an integrated development, such as a shopping center or office complex.

“Temporary sign” means any sign that is used temporarily and is not permanently mounted, painted or otherwise affixed, including any poster, banner, placard, stake sign or sign not placed in the ground with concrete or other means to provide permanent support, stability and rot prevention.

“Temporary window sign” means a sign printed on paper or similar material, impermanent paint, or decals painted on, affixed to, or hanging against a window pane. To qualify as a temporary window sign, decals shall not exceed 20 square inches and shall not be a component of a larger sign.

“Window sign” means a sign that is attached to or intended to be seen in, on or through a window of a building and is visible from the exterior of the window.

16.28.140 Severability
A. If any section, sentence, clause, phrase, word, portion, or provision of this chapter is held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this chapter which can be given effect without the invalid provision.

B. The invalidation of the application of any section, sentence, clause, phrase, word, portion, or provision of this chapter to a particular property or structure, or any particular properties or structures, by any court of competent jurisdiction shall not affect the application of such section, sentence, clause, phrase, word, portion or provision to any other property or structure not specifically included in said invalidation.

Section 2. Effective Date. This Ordinance shall be published in the official newspaper of the Town, and shall take effect and be in full force on June 22, 2017.
ADOPTED by the Town Council and APPROVED by the Mayor this 13th day of June 2017.

TOWN OF COUPEVILLE

By

Molly Hughes, Mayor

ATTEST:

By

Kelly Beech, Clerk-Treasurer

APPROVED AS TO FORM:

By

Grant Weed, Town Attorney

Date of Publication: June 24, 2017