

First Reading: December 18, 2018

Second Reading: January 15, 2019

ORDINANCE NO. 991

**AN ORDINANCE OF THE CITY OF BENTON CITY,
WASHINGTON, AMENDING BCMC SECTION 15.08.015
“SIGN CODE”; AND REPEALING BCMC SECTION
15.08.016 “ADDITIONS TO UNIFORM SIGN CODE -
TEMPORARY POLITICAL SIGNS”**

WHEREAS, cities have the responsibility to regulate and control certain aspects relating to signs within their borders and ensure that the public health, safety, and welfare are maintained; and

WHEREAS, the recent United States Supreme Court case of *Reed v. Town of Gilbert* has changed the law regarding local government’s regulation of signs; and

WHEREAS, the recent 9th Circuit United States Court of Appeals case *Contest Promotions, LLC., v. City and County of San Francisco* has further clarified the scope and reach of the holding in *Reed v. Town of Gilbert*; and

WHEREAS, the City of Benton City has previously adopted the Uniform Sign Code of 1982 and recognizes there is a more recent update to that Code, as well as recognizes the need to modify said regulations that may be in conflict with the findings of the above-mentioned cases; and

WHEREAS, the City of Benton City has recognized the necessity to adopt regulations restricting certain aspects of illuminated signs within the City in the interest of public health and safety. NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF BENTON CITY, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. That Section 15.08.015 entitled “Sign Code” of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

15.08.015 Sign Code.

- A. Adoption of 1982~~97~~ Edition Uniform Sign Code. The 1982~~97~~ Uniform Sign Code, as amended, is hereby adopted by reference pursuant to RCW 35A.12.140.
- B. Amendments to Uniform Sign Code. The following section and subsections as designated of the Uniform Sign Code are hereby amended and shall read as follows: Section 103(b) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this

code, or whenever the building official or his authorized representative has reasonable cause to believe that there exists any sign or any condition which makes such sign unsafe the building official or his authorized representative may enter the premises or building on which such sign is located at all reasonable times to inspect the sign or to perform any duty imposed upon the building official by this code; provided that, if such building or premises on which the sign is located be occupied, he shall first present property credentials and demand entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the building official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

No owner or occupant or any other person having charge or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to promptly permit entry therein by the building official or his authorized representative for the purpose of inspection and examination pursuant to this Code.

SECTION 103(e). Any person, firm or corporation violating any of the provisions of this Code shall be guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$300.00 or by imprisonment of not more than ninety (90) days, or by both such fine and imprisonment.

SECTION 301. No sign shall hereafter be erected, re-erected, constructed, or altered except as provided by this Code and a permit for the same has been issued by the building official. A separate permit shall be required for a sign or signs for each business entity and a separate permit shall be required for each group of signs on a single supporting structure. ~~In addition, no electrical permits shall be obtained for electric signs.~~ No portable sign shall be located on any property until such time as a building permit has been issued. No building permit shall be issued until a compliance with other codes and ordinances of the City of Benton City have been met, and the Washington State Department of Labor & Industries has approved the method of electrical power for such portable sign.

SECTION 303 (3). Subsection 3 of Section 303 exempting signs under six feet above grade is hereby deleted.

SECTION 305. Every sign shall be maintained in good structural condition at all times. All signs, together with all of their supports braces, guys, and anchors shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly posted

at all times. The building official, or his authorized representative, shall inspect and have the authority to order the owner to paint, repair, alter, or remove the signs which have become dilapidated or which constitute a physical hazard to the public safety.

SECTION 307 - ABANDONED SIGNS (New Section). Any sign located on a property which becomes vacant or unoccupied or which is related to a use which has been terminated shall be considered abandoned and shall be removed or otherwise be made conforming within thirty (30) days of abandonment.

SECTION 402(b)(3). All metal components shall be galvanized, cadmium plated, enameled, painted, or provided with equivalent protection on all surfaces. Copper, stainless steel and similar materials having inherent resistance to atmospheric corrosion need not be additionally protected.

SECTION 403(b) - CLEARANCE FROM HIGH VOLTAGE LINES. Clearance from high voltage power lines shall be in accordance with the Codes of the State of Washington. (Ord. 790, February 2005; Ord. 517, August 1988.)

SECTION 1301 – GENERAL. Electric signs shall be constructed of noncombustible material, except as provided in Chapter 4. The enclosed shell of electric signs shall be watertight, except that service holes fitted with covers shall provide access into each compartment of the sign.

Illumination from any 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 unreasonable distraction of pedestrians or motorists. "Undue brightness" is illumination in excess of that which is reasonably necessary to make the sign reasonably visible to the average person on an adjacent street.

No sign may contain or utilize any of the following:

1. Any exposed incandescent lamp with a wattage in excess of 25 watts.
2. Any exposed incandescent lamp with an internal or external reflector.
3. Any continuous or sequential flashing operation.
4. Except for changing message centers, any incandescent lamp inside internally lighted signs.
5. External light sources directed towards or shining on vehicular or pedestrian traffic or on a street.
6. Internally lighted signs using 800-milliamp ballasts if the lamps are spaced closer than 12 inches on center.
7. Internally lighted signs using 425-milliamp ballasts if the lamps are spaced closer than six inches on center.

Section 2. That Section 15.08.016 entitled "Additions to Uniform Sign Code - - Temporary Political Signs" of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

15.08.016 Additions to Uniform Sign Code - - Temporary Political Signs.

Chapter 14 of the Uniform Sign Code is amended by the addition of the following provisions:

- A. ~~SECTION 1403 – TEMPORARY POLITICAL SIGNS. Temporary political signs may be displayed prior to the related eventan election and shall be removed within thirty (30) days after said eventan election. After the primary election, temporary political campaign signs endorsing a successful candidate may remain up to ten (10) days after the succeeding general election.~~
- B. ~~"Temporary political signs" means a temporary sign that identifies a candidate(s) for public elective office; urges a particular vote on a ballot measure in a pending public election, whether local, state or national; or expresses an opinion on a public issue. (Ord. 820, August 2007.)~~

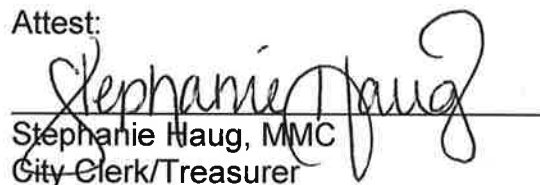
Section 3. This Ordinance shall take full force and effect five (5) days after its approval, passage and publication as required by law.

PASSED by the City Council of the City of Benton City, Washington, and approved as provided by law this 15 day of January, 2019.



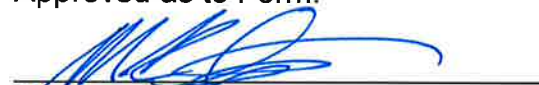
Linda Lehman, Mayor

Attest:



Stephanie Haug, MMC
City Clerk/Treasurer

Approved as to Form:



Kerr Ferguson Law, PLLC
City Attorney