

18.66.125 Nonconforming signs.***A. Definitions.**

1. "Illegal sign" means a sign which is not authorized by Chapter 18.52 LFPMC; or a sign which either was not authorized by city ordinance or which was not a nonconforming sign as of the date LFPMC Title 18 was adopted, or a sign which loses its nonconforming permit as provided in this section.
2. A "legal nonconforming sign" is a sign that on the date of its installation complied with all requirements of applicable laws and regulations, but that is not a legal sign under LFPMC Title 18.
3. "Sign owner" means the licensee of the business associated with the sign, or the owner of the sign, or the owner of the property on which the sign is located.

B. Notification of Nonconformity or Illegality.

1. The code administrator shall, as soon as practical, survey the city for signs which do not conform to the requirements of this code. Upon determination that a sign is nonconforming or illegal, the administrator shall use reasonable efforts to notify the sign owner, either personally or in writing, that:
 - a. The sign is nonconforming and that it is or is not eligible for a nonconforming sign permit; or
 - b. The sign is illegal.
2. If, after reasonable inquiry, the identity of the sign owner cannot be determined, the notice shall be affixed conspicuously on the sign or on the premises with which the sign is associated. A file shall be established in the department, and a copy of the notice and certification of posting shall be maintained for records.

C. Nonconforming Sign Permit. Any sign which, on the effective date of the ordinance codified in this code, does not conform with the provisions of this code, but which, on the day before the effective date of this code was a legal or nonconforming sign, may be granted a nonconforming sign permit upon proper application; provided, that temporary or special event signs shall not be permitted as nonconforming signs.

D. Permit for Nonconforming Signs.

1. A nonconforming sign permit is required for each nonconforming sign allowed. The permit shall be obtained by the sign owner within 60 days of notification by the city. Unless it terminates earlier as provided in this section, a permit shall expire at the end of the applicable amortization period prescribed herein.
2. Applications for a nonconforming sign permit shall contain the name and address of the sign owner, identification of the sign(s) to be permitted as nonconforming, the date of installation of the sign(s), and

such other pertinent information as the administrator may require to ensure compliance with this code. The application shall be accompanied by a fee as established by the city council from time to time.

3. Any sign owner who fails to apply for a nonconforming sign permit within the 60-day period of notification by the city shall within six months bring the sign into compliance with this code or have it removed.

E. Illegal Signs – Abatement. An illegal sign is declared to be a public nuisance and may be removed as provided in RCW 47.42.080 as follows:

1. Any sign erected or maintained contrary to the provisions of Chapter 18.52 LFPMC is a public nuisance, and the chief of police shall notify the owner of the property on which the sign is located, by certified mail at his or her last known address, that it constitutes a public nuisance and must comply with the chapter or be removed.

2. An owner who fails to comply with the chapter or remove any such sign within 15 days after being notified to remove the sign is guilty of a misdemeanor. In addition to the penalties imposed by law upon conviction, an order may be entered compelling removal of the sign. Each day the sign is maintained constitutes a separate offense.

3. If the owner of the property upon which it is located is not found or refuses receipt of the notice, the chief of police shall post the sign and property upon which it is located with a notice that the sign constitutes a public nuisance and must be removed. If the sign is not removed within 15 days after such posting, the chief of police shall abate the nuisance and destroy the sign, and for that purpose may enter upon private property without incurring liability for doing so.

4. Any sign erected or maintained on city property or public rights-of-way contrary to city ordinance is a public nuisance, and the chief of police is authorized to remove any such sign without notice.

F. Loss of Nonconforming Status.

1. A nonconforming sign may remain and be used; provided, that the sign must be removed or brought into compliance with all requirements of this code if any of the following occur:

a. There is any change in land use, or in occupancy, or a change in business name, with respect to the business or premises for which the sign was installed;

b. The sign is replaced or it is altered in any manner that is not in compliance with the standards of Chapter 18.52 LFPMC; provided, that a change in copy, panel, or lettering, unrelated to a change regulated in subsection (F)(1)(a) of this section shall not be considered an alteration or replacement;

c. The sign is relocated in a manner that is not in compliance with the standards of Chapter 18.52

LFPMC;

d. A new sign, in addition to the nonconforming sign, is installed on the premises on which the nonconforming sign is located; or

e. The owner of the sign refuses to obtain a permit for the nonconforming sign in accordance with procedures established herein.

2. Upon the occurrence of any of the foregoing, a nonconforming sign permit shall terminate immediately and the sign shall be an illegal sign. The administrator shall notify the sign owner that the sign either must be removed or brought into compliance with this code immediately and a new permit secured.

G. Amortization Period for Nonconforming Signs.

1. Any nonconforming sign permitted under this section may remain permitted and in place for the amortization period authorized by subsection (G)(2) of this section; provided, that such sign does not otherwise lose its nonconforming sign permit. At the expiration of the amortization period, a sign shall be removed or brought into compliance with this code.

2. A nonconforming sign permitted under this section shall be brought into compliance with this code or removed within three years of the date the sign became nonconforming; provided, that the city administrator may upon application extend the compliance period no more than an additional six years upon finding that:

a. The intent and purpose of this section and Chapter 18.52 LFPMC will not be detrimentally affected; and

b. The sign owner has a substantial unamortized investment (excluding cost of maintenance and repair) in the sign.

3. An application for an extension of the amortization period shall be submitted to the city administrator and shall contain the date the sign was installed, records substantiating capital investment in the sign, records establishing amortization of such investment, and such other information as the city administrator may require. Absent records concerning amortization, the city administrator may establish a schedule for unamortized investment, if any, in any commercially reasonable manner. The application shall be accompanied by a fee as established by the city council from time to time.

H. Appeals.

1. A decision with regard to an application for a permit for a nonconforming sign, an application for an extended amortization period, or loss of nonconforming status may be appealed to the city council.

2. The notice of appeal must be filed with the city clerk within 15 days of the effective date of the decision, and it must state with specificity the error or errors claimed. Upon receipt of a complete and timely notice of appeal, the city clerk shall schedule a hearing before the city council no later than 30 days from the date the notice of appeal is received.

3. The appellant shall have the burden of proof and the council shall affirm the city's decision unless it finds that the decision is based upon a clear error of law or that it is not supported by substantial evidence. The city council's decision is the final decision of the city, which may be appealed as provided in Chapter 36.70C RCW.

4. Enforcement action shall be stayed during the appeal period and pending final decision on an appeal.

I. Nonconforming Sign Maintenance and Re-pair. Nothing in this section shall relieve the sign owner from the obligation to maintain any sign in a safe, presentable condition or to make any repairs necessary to achieve such conditions; provided, that such maintenance and repair shall not modify the sign or structure in any way which is not in compliance with the requirements of this code. (Ord. 906 § 1, 2005; Ord. 850 § 1, 2001; Ord. 788 § 1, 2000)

*Code reviser's note: Ordinance No. 788 adds these provisions as Section 18.66.120. The section has been editorially renumbered to prevent duplication of numbering.