

**ORDINANCE NUMBER 104-03**

AN INTERIM ORDINANCE AMENDING MASON COUNTY DEVELOPMENT REGULATIONS, ORDINANCE 82-96, AS AMENDED, REVISING SIGN REGULATIONS.

WHEREAS, the Mason County Development Regulations regulate land use in unincorporated Mason County, including signs;

WHEREAS, a recent decision of the Mason County Hearing Examiner, while upholding the administrative interpretation of the county sign regulations by staff, expressed concern with the legal defensibility of the regulation itself;

WHEREAS, because of this concern, interim amendments to the Mason County Regulations have been proposed which continue some regulation of signs in the county and address the concern raised;

WHEREAS, these interim regulations are authorized prior to a public hearing under RCW 36.70A.390 for a period of up to six months, provided that a public hearing is held within sixty days of its adoption and findings of fact adopted at that time;

WHEREAS, this period will allow time for the county to review and determine the best sign regulations for Mason County through a public process while limiting inconsistent development.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF MASON COUNTY DO HEREBY ORDAIN as follows:

**SECTION 1.**

Add new sections to the Mason County Development Regulations as follows:

**1.03.200 Intent of sign regulations.**

The intent of the sign regulations is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the number, size, design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures; to preserve and improve the appearance of the county as a place in which to live and as an attraction to nonresidents who come to visit or trade; to encourage sound signing practices as an aid to business and for public information but to prevent excessive and confusing sign displays or signs that pose a hazard to the public.

**1.03.205 Exemptions to the sign regulations.**

The following may be construed as signs, but are not intended to be regulated as signs in the Development Regulations.

- A. The flag, emblem or insignia of a nation or other governmental unit or

nonprofit organization subject to the guidelines concerning their use set forth by the government or organization which they represent.

B. Traffic or other municipal signs, signs required by law or emergency, railroad crossing signs, legal notices and signs erected by government agencies to implement public policy;

C. 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;

D. Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, which signs are designed and located to be viewed exclusively by patrons of such use or uses;

E. Temporary signs or decorations, clearly incidental and customary and commonly associated with any national, local or religious holiday, or traditional community event such as annual festivals or parades;

F. Sculptures, fountains, murals, mosaics and design features which do not incorporate advertising or identification;

#### **1.03.220 Sight Distance for signs.**

In addition to the setback requirements otherwise established, signs shall be located such that there is at every street intersection a clear view between heights of three feet and ten feet in a triangle formed by the corner and points on the curb thirty feet from the intersection or entryway.

#### **1.03.230 Prohibited commercial signs.**

The following commercial signs or displays are prohibited in all areas of the county:

A. Roof signs;

B. Animated or flashing signs, provided that changing message center signs may be allowed when the image and/or message remains fixed for at least 5 seconds and that the only animation or appearance of movement allowed is the transition from one message and/or image to another by the scrolling on and/or off of the message and/or image;

C. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or radio equipment vehicle, or which obstruct the visibility of traffic or street sign or signal device from the traffic intended to be served by the sign, signal or device;

D. Signs attached to utility poles;

E. Off-premises signs and billboards, except for the temporary signs allowed in Sections 1.05.023 through 1.05.027, inclusive.

#### **1.03.240 Prohibited non-commercial signs.**

The following non-commercial signs or displays are prohibited in all areas of the county:

A. Animated or flashing signs, provided that changing message center signs

may be allowed when the image and/or message remains fixed for at least 5 seconds and that the only animation or appearance of movement allowed is the transition from one message and/or image to another by the scrolling on and/or off of the message and/or image;

B. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or radio equipment vehicle, or which obstruct the visibility of traffic or street sign or signal device from the traffic intended to be served by the sign, signal or device.

#### **1.05.024 Real Estate Signs.**

Real Estate signs may be placed only upon private property with owner's consent.

#### **1.05.025 Non-Commercial Signs.**

Non-commercial signs may be placed upon private property with owner's consent. Political signs are permitted on public right-of-ways as regulated by state law and local ordinance.

#### **1.05.026 Garage Sale Signs (Also Yard Sales, Moving Sales, Patio Sales).**

Garage Sale Signs (Also Yard Sales, Moving Sales, Patio Sales) may be placed only upon private property and with the owner's consent.

#### **1.05.027 Agricultural sales signs**

Agricultural sales signs may be placed only upon private property and with the owner's consent.

### **SECTION 2.**

Amend Mason County Development Regulations, Chapter 1.06 Definitions, as follows:

#### **A. Add the following new definitions:**

**Agricultural sales sign.** A usually seasonal sign used to announce and/or direct the public to a sale of locally grown agricultural products.

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

**Billboard.** The same as an off-premises sign.

**Changing message center sign.** An electrically or electronically controlled sign where different automatic changing messages are shown on the same lamp blank.

**Commercial sign.** For the purposes of sign regulations, a sign intended to attract attention, identify, advertise, and/or promote: a business; goods sold, offered, traded, or manufactured; a service sold or offered; or professional, commercial or industrial gainful activity.

**County.** Mason County, Washington.

**Construction sign.** Any sign used to identify the architects, engineers, contractors or other individuals or firms involved with the construction of a building and announce the

character of the building or the purpose for which the building is intended.

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

**Garage sale signs (yard sales, moving sales, patio sales).** Temporary signs used to announce and/or direct the public to a sale of used items.

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

**Non-commercial sign.** For the purposes of sign regulations, a sign intended for a purpose other than to attract attention, identify, advertise, and/or promote: a business; goods sold, offered, traded, or manufactured; a service sold or offered; or professional, commercial, or industrial gainful activity.

**Political sign.** A sign advertising a candidate or candidates for public elective office, or a political party, or sign urging a particular vote on a public issue decided by ballot.

**Real estate signs.** Any sign pertaining to the sale, lease or rental of land or buildings.

**Roof sign.** Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

**Temporary sign.** Those signs associated with a particular event or short term activity – such as construction of a building – which are intended to be removed when the event or activity ends. Temporary signs may be of either a commercial or non-commercial nature.

**B. Replace the definition of “sign” with the following definition:**

**Sign.** Any communication device, structure or fixture that is intended to aid an establishment in identification and to advertise and/or promote a business, service, activity or interest. For the purpose of this chapter, a sign shall not be considered to be building or structural design, but shall be restricted solely to graphics, symbols or written copy that is meant to be used in the aforementioned way. Signs as regulated in this chapter have been organized into a variety of types, such as commercial and non-commercial, which are regulated differently.

**C. Add at the end of the existing definition of “Accessory building or use” , the following:**

Accessory uses include signs which are related to and support an on-site business or activity.

**SECTION 3**

Amend Mason County Development Regulations Figure 1.03.020 Matrix of Permitted Uses to add the description of use below “Shoe stores or repair shop” as follows:

“Signs, non-commercial and temporary signs as allowed in Sections 1.05.023 through 1.05.027, inclusive” are permitted uses identified by an “X” under the designations of Urban Growth Areas, Resource Areas, and Agricultural Resource Lands.

**SECTION 4.**

Amend the following sections of the Mason County Development Regulations by adding at the end of each section listed below this text: "Accessory signs, non-commercial and temporary signs allowed in Sections 1.05.023 through 1.05.027, inclusive, are permitted. Signs prohibited by sections 1.03.230 and 1.03.240 are not allowed." The sections to which this text is added are:  
1.04.705, 1.04.615, 1.04.605, 1.04.505, 1.04.405, 1.04.355, 1.04.354, 1.04.335, and 1.04.325.

**SECTION 5.**

Amend the following sections of the Mason County Development Regulations by adding at the end of each section listed below this text: "D. Accessory signs, non-commercial and temporary signs allowed in Sections 1.05.023 through 1.05.027, inclusive, are permitted. Signs prohibited by sections 1.03.230 and 1.03.240 are not allowed." The sections to which this is added are:  
1.04.212, 1.04.222, 1.04.232, and 1.04.242.

**SECTION 6.**

This ordinance shall be effective immediately and continue in effect until March 19, 2004.

**SECTION 7.**

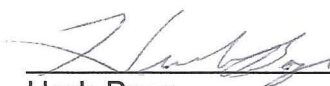
This ordinance shall be governed by the laws of the State of Washington. In the event that any portion or section of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance shall not be affected and shall remain in full force and effect.


**SECTION 8.**

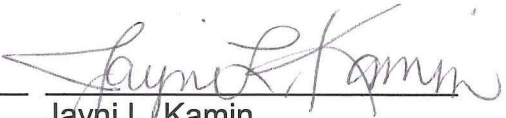
Pursuant to RCW 36.70A.390, the Board will hold a public hearing on this interim ordinance on Tuesday, October 21, 2003, at 9:30 a.m.

DATED this 23rd day of September, 2003.


Board of Commissioners  
Mason County, Washington

  
Herb Baze


  
Wesley E. Johnson

  
Jayni L. Kamin

ATTEST:

  
Clerk of the Board

APPROVED AS TO FORM

  
Prosecuting Attorney