

ORDINANCE NUMBER 134 - 08

ADDITIONS AND REVISIONS TO MASON COUNTY CODE (and
DEVELOPMENT REGULATIONS) TITLE 17 RELATING TO SIGNS; AND
REPEAL of MASON COUNTY CODE TITLE 12, CHAPTER 12.44

ORDINANCE ADDING to the Mason County Code (and Development Regulations) Title 17 Chapter 17.03 sections 17.03.200 through 17.03.203 and Chapter 17.05 section 17.05.025; REVISING the Mason County Code (and Development Regulations) Title 17, Chapter 17.03 sections 17.03.020 and 17.03.021, Chapter 17.04 sections 17.04.212, 17.04.222, 17.04.232, 17.04.242, 17.04.325, 17.04.335, 17.04.345, 17.04.355, 17.04.365, 17.04.405, 17.04.505, 17.04.605, 17.04.615 and 17.04.705; ADDING and REVISING Mason County Code (and Development Regulations) Chapter 17.06 definitions; and REPEALING Mason County Code Title 12 Chapter 12.44 (all sections).

WHEREAS, under the authority of the Planning Enabling Act (RCW 36.70) and the Washington State Growth Management Act (RCW 37.70A) Mason County is taking legislative action to revise its development regulations; and

WHEREAS, the Mason County Code (and Development Regulations) does not adequately address the development and regulation of signs in the rural areas of the county; and

WHEREAS, the Mason County Code (and Development Regulations) was amended to include new sections regarding Intent of sign regulations, Exemptions to the sign regulations, Prohibited signs, Nonconforming signs, and Temporary signs; and

WHEREAS, the Mason County Code Title 12 Chapter 12.44 (all sections) addresses Political Signs on County Roads and is no longer applicable to Mason County; and

WHEREAS, on July 21, 2008 and again on September 15, 2008 the Mason County Planning Advisory Commission held workshops about the proposed amendments to the Mason County Code (and Development Regulations); and

WHEREAS, on October 20, 2008 Mason County Planning Advisory Commission held a Public Hearing and passed a motion to recommend approval of said amendments to the Board of County Commissioners; and

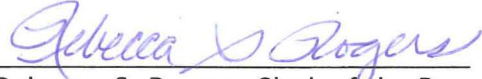
WHEREAS, the Mason County Board of Commissioners held a public hearing about the proposed amendments on December 16, 2008 to consider recommendations of the Planning Advisory Commission, the testimony of the Mason County Department of Community Development and Mason County citizens; and

NOW THEREFORE, BE IT HEREBY ORDAINED, the Mason County Board of County Commissioners hereby approves and ADOPTS adding to the Mason County Code (and Development Regulations) Title 17 Chapter 17.03 sections 17.03.200 through 17.03.203, Chapter 17.05 section 17.05.025 and revising the Mason County Code (and Development Regulations) Title 17, Chapter 17.03 sections 17.03.020 and 17.03.021, Chapter 17.04 sections 17.04.212, 17.04.222, 17.04.232, 17.04.242, 17.04.325, 17.04.335, 17.04.345, 17.04.355, 17.04.365, 17.04.405, 17.04.505, 17.04.605, 17.04.615 and 17.04.705 and Chapter 17.06 adding and revising definitions as described by ATTACHMENT A; and REPEALS the Mason County Code Title 12 Chapter 12.44 (all sections) Political Signs on County Roads as described by ATTACHMENT B.

DATED this 16th day of December 2008


Board of Commissioners
Mason County, Washington

ATTEST:




Rebecca S. Rogers, Clerk of the Board

APPROVED AS TO FORM:



Deputy Prosecuting Attorney

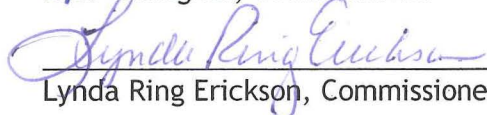
BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON



Tim Sheldon, Chair



Ross Gallagher, Commissioner



Lynda Ring Erickson, Commissioner

**Proposed Revisions to the
Mason County Code and Development Regulations
Title 17
Sections relating to SIGNS**

FIGURE 17.03.020

Description of Use	Land Use Classification (U)	Urban Growth Areas	Resource Areas	Agricultural Resource Lands
Signs		X	X	X

17.03.021 Cottage Industries

Unless noted by an asterisk (*) any use shown in FIGURE 17.03.020 is permitted in any development area as a homebased occupation, or as a cottage industry. The activity shall comply with the criteria in RU-524A, and shall be required to obtain a special use permit unless they comply with the following standards:

E. There shall be no alterations to the outside appearance of the buildings or premises that are not consistent with the residential use of the property, or other visible evidence of the conduct of such cottage industry, other than one sign no larger than 12 square feet.

17.03.200 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 size, design, 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 while preventing excessive and confusing sign displays, aesthetic clutter, destruction of the environment and signs that pose a hazard to the public.

17.03.201 Exemptions to the sign regulations.

The following are not to be regulated as signs or are exempt 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 that they represent;
- B. Traffic or other County 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, which are clearly incidental and customary and commonly associated with any national, local or religious holiday;
- F. "No trespassing," "no dumping," "no parking," "private," signs identifying essential public needs (i.e., rest rooms, entrance, exit telephone, etc.) and other informational warning signs, which shall not exceed three square feet; and
- G. Sculptures, fountains, murals, mosaics and design features that do not incorporate advertising or identification.

17.03.202 Prohibited signs.

The following signs or displays are prohibited in all rural areas of the county and the Shelton UGA:

- A. Roof signs;
- B. Banners or signs over and/or across county roads;
- C. Signs located in county right-of-way, unless otherwise approved with a road-use permit from the Public Works Department. Except for temporary signs in accordance with the following restrictions:
 - 1) Signs shall not be posted in a manner or location, which may cause visual obstruction or visual safety hazard for traffic especially in and around intersections, driveways and other access points.
 - 2) Signs shall not be placed in a location typically used by motor vehicles in a lawful manner (road shoulders).
 - 3) Signs shall not be placed in a location, which may impede pedestrian, bicycle, or handicapped travel or access.
 - 4) Signs shall not be placed within drainage areas and other areas maintained by the County Public Works Department.
 - 5) Signs shall not exceed four (4) square feet in size.
- D. Signs shall not be posted on trees including in county right-of-way.
- E. 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;
- F. 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;
- G. Advertising Vehicles. Signs that are attached to or placed on or in a vehicle or trailer parked on public or private property such that the primary use or intent becomes advertising. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during normal course of business;
- H. Signs attached to utility poles or any other publicly owned structure;
- I. Off-premises signs except for temporary signs as allowed in Section 17.05.025. An off-premises sign shall not include a sign located on private property, other than the property where the business (business, commodity, service or entertainment conducted, sold or offered) is located provided that: 1) the sign is placed with the property owner's consent; 2) the business does not have frontage on a collector road; and 3) the sign is placed for visibility from the collector road nearest to the business.
- J. Any county official may confiscate signs wrongfully placed in the right-of-way or off-premise signs located in trees.

17.03.203 Nonconforming Signs.

Nonconforming signs (those that were permanently installed and legally erected prior to the adoption of this Code) shall be allowed to continue in use for up to twenty years from the adoption of this code (December 16, 2008) so long as they are continuously maintained, are not relocated, and are not structurally altered or made more nonconforming in any way.

Signs located in trees shall have until January 1, 2009 to be removed. Signs that aren't removed by January 1, 2009 will be considered a violation subject to fines and enforcement under Title 15 Chapter 15.13.

Permanent signs located within any part of the county right-of way shall have until January 1, 2009 to be removed. Signs that aren't removed by January 1, 2009 will be considered a violation subject to fines and enforcement under Title 15 Chapter 15.13.

Nonconforming signs listed on a historical register shall be allowed to continue so long as they are continuously maintained and are not structurally altered or made more nonconforming in any way, with exception of improving structural integrity.

17.04.212 Uses Permitted.

D. Signs are permitted not to exceed 12 square feet in size and 6 feet in height except for temporary signs permitted by section 17.05.025. Signs prohibited by section 17.03.203 are not allowed.

17.04.222 Uses Permitted.

D. Signs are permitted not to exceed 12 square feet in size and 6 feet in height except for temporary signs permitted by section 17.05.025. Signs prohibited by section 17.03.203 are not allowed.

17.04.232 Uses Permitted.

D. Signs are permitted not to exceed 12 square feet in size and 6 feet in height except for temporary signs permitted by section 17.05.025. Signs prohibited by section 17.03.203 are not allowed.

17.04.242 Uses Permitted.

D. Signs are permitted not to exceed 12 square feet in size and 6 feet in height except for temporary signs permitted by section 17.05.025. Signs prohibited by section 17.03.203 are not allowed.

17.04.325 Signs.

Signs are limited to: 1) a sign attached to the building with an area not to exceed 10 percent of the area of the building face, and 2) a detached sign with an area size not to exceed 10 percent of the building face, that is free-standing, and with a height maximum of 25 feet or height of building, whichever is less. Temporary signs permitted by section 17.05.025 are allowed. Signs prohibited by section 17.03.203 are not allowed.

17.04.335 Signs.

Signs are limited to: 1) a sign attached to the building with an area not to exceed 10 percent of the area of the building face, and 2) a detached sign with an area size not to exceed 10 percent of the building face, that is free-standing, and with a height maximum of 25 feet or height of building, whichever is less. Temporary signs permitted by section 17.05.025 are allowed. Signs prohibited by section 17.03.203 are not allowed.

17.04.345 Signs.

Signs are limited to: 1) a sign attached to the building with an area not to exceed 10 percent of the area of the building face, and 2) a detached sign with an area size not to exceed 10 percent of the building face, that is free-standing, and with a height maximum of 25 feet or height of building, whichever is less. Temporary signs permitted by section 17.05.025 are allowed. Signs prohibited by section 17.03.203 are not allowed.

17.04.355 Signs.

Signs are limited to: 1) a sign attached to the building with an area not to exceed 10 percent of the area of the building face, and 2) a detached sign with an area size not to exceed 10 percent of the building face, that is freestanding, and with a height maximum of 25 feet or height of building, whichever is less. Temporary signs permitted by section 17.05.025 are allowed. Signs prohibited by section 17.03.203 are not allowed.

17.04.365 Signs.

Signs are limited to: 1) a sign attached to the building with an area not to exceed 10 percent of the area of the building face, and 2) a detached sign with an area size not to exceed 10 percent of the building face, that is free-standing, and with a height maximum of 25 feet or height of building, whichever is less. Temporary signs permitted by section 17.05.025 are allowed. Signs prohibited by section 17.03.203 are not allowed.

17.04.405 Signs.

One monument sign, 10-foot height and 140 sq ft. size limit; one wall sign that faces towards street or public access, 40 sq ft size limit, and no more than 10 percent of wall area. Temporary signs permitted by section 17.05.025 are allowed. Signs prohibited by section 17.03.203 are not allowed.

17.04.505 Signs.

One monument sign, 10-foot height and 140 sq ft. size limit; one wall sign that faces towards street or public access, 40 sq ft size limit, and no more than 10 percent of wall area. Temporary signs permitted by section 17.05.025 are allowed. Signs prohibited by section 17.03.203 are not allowed.

17.04.605 Signs.

Signs are limited to: 1) a sign attached to the building with an area not to exceed 10 percent of the area of the building face, and 2) a detached sign with an area size not to exceed 10 percent of the building face, that is free-standing, and with a height maximum of 25 feet or height of building, whichever is less. Temporary signs permitted by section 17.05.025 are allowed. Signs prohibited by section 17.03.203 are not allowed.

17.04.615 Signs.

Signs are limited to: 1) a sign attached to the building with an area not to exceed 10 percent of the area of the building face, and 2) a detached sign with an area size not to exceed 10 percent of the building face, that is free-standing, and with a height maximum of 25 feet or height of building, whichever is less. Temporary signs permitted by section 17.05.025 are allowed. Signs prohibited by section 17.03.203 are not allowed.

17.04.705 Signs.

Reviewed as part of Special Use Permit. Temporary signs permitted by section 17.05.025 are allowed. Signs prohibited by section 17.03.203 are not allowed.

17.05.025 Temporary Signs.

Temporary signs are those signs associated with a particular event or short-term activity – such as but not limited to; agricultural or garage sales signs, grand opening displays, festival, carnival or parade signs, political signs and real estate signs– which are to be removed within 10 days when the event or activity ends. Temporary signs are allowed in all rural areas of the county and the Shelton UGA subject to the following limitations:

- A. Signs shall not be placed within the county right-of-way unless otherwise approved with a road-use permit from the Public Works Department, and with adjacent property owner's permission, except as allowed under section 17.03.202 C.
- B. Signs shall not be posted in a manner or location that may cause visual obstruction or a visual safety hazard for traffic especially in and around intersections, driveways and other access points.

- C. It shall be the responsibility of the owner to remove a temporary sign within 10 days after such sign is no longer serving its purpose including, but not limited to; the end of an event, meeting, festival, carnival or parade; the sale, lease, or rent of property; the end of an annual election cycle; the end of any type of sale.
- D. County Officials shall have the authority to remove signs when not placed in accordance with this section.

17.06 Definitions

Accessory building or use. Any building or use which:

- A. Is subordinated to, and serves a principal building or principal use; and
- B. Is subordinate in area, extent or purpose to the principal building or principal use served; and
- C. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
- D. Is located on the same lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served.

Accessory uses include signs that are related to and support a business or activity.

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.

Building Size. Determined by measuring the building footprint from the outside walls. Does not include roof overhangs up to 2'. Roof overhangs larger than 2' from outside wall will be included in the overall size of the building.

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

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.

Height. Height shall be measured using average grade level. The average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed structure and shall be determined by averaging the ground elevations at the midpoint of all exterior walls of the proposed structure.

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.

On-premises sign. Any communication device, structure or fixture that is intended to aid in identification and to advertise and/or promote a business, service, activity, interest or view at the location on which the sign is located.

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.

Sandwich board sign. An “a-framed” portable sign measured by height X width.

Sign. Any communication device, structure or fixture that is intended to aid 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.

Structure. Anything constructed in the ground, or anything erected which requires location on the ground, or is attached to something having location on or in the ground, but not including fences or signs six feet or less in height, driveways, or other paved areas.

Temporary sign. Those signs associated with a particular event or short-term activity – such as but not limited to; agricultural or garage sales signs, festival, carnival or parade signs, political signs and real estate signs– which are to be removed within 10 days when the event or activity ends.

Mason County Code**Chapter 12.44 POLITICAL SIGNS ON COUNTY ROADS**12.44.010 Findings.12.44.020 Definitions.12.44.030 Signs deemed nuisance when—Abatement by county—Notice and liability.12.44.040 Failure to remove—Violation—Penalty.**12.44.010 Findings.**

The control of signs on the right-of-way areas of county roads in Mason County is declared to be necessary to promote the public health, safety, welfare, convenience and enjoyment of public travel. (Ord. 86-83 § 1, 1983).

12.44.020 Definitions.

As used in this chapter:

“Campaign Treasurer.” See RCW 42.17.020(4).

“Candidate.” See RCW 42.17.020(5).

“County road” means any public roadway within Mason County and shall include any primary or secondary state highway.

“Election for which it is intended” means the specific primary, general or special election at which the candidate or issue being advertised is voted upon, and shall mean the primary election for all candidates whose names will not appear on the general election ballot.

“Political sign” means any sign, display, device, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended or used to advertise any candidate, initiative, referendum, bond issue, proposition, or any other ballot measure which is voted upon or to be voted upon at any primary, general or special election. (Ord. 86-83 § 4, 1983).

12.44.030 Signs deemed nuisance when—Abatement by county—Notice and liability.

Any political sign erected or maintained on county road rights-of-way of Mason County which remains more than fifteen days following the election for which it is intended shall be a public nuisance and the county sheriff shall notify the candidate of the location of said signs, or, if there is no candidate, the campaign treasurer, in writing, and that it constitutes a public nuisance and must be removed. If the sign is not removed within thirty days after receiving notice, the county can abate the nuisance and remove the sign. The candidate or campaign treasurer shall be liable to the county for the expense of abating said nuisance. (Ord. 86-83 § 2, 1983).

12.44.040 Failure to remove—Violation—Penalty.

If the candidate or campaign treasurer, notified as stated in Section 12.44.030, shall fail to remove any such sign within thirty days after being notified to remove such sign, he or she may be charged with a misdemeanor and if found guilty, may be punished by a fine not to exceed two hundred fifty dollars or by confinement in the Mason County Jail for a period not to exceed ninety days or by both such fine and confinement. In addition to the penalties imposed herein upon conviction, an order may be entered compelling removal of the sign. (Ord. 86-83 § 3, 1983).