

**ORDINANCE 2018 - 02**

**AN ORDINANCE of the City of Sunnyside, Washington, Amending Section 15.36.010 "Intent"; Amending Section 15.36.020 "Definitions"; Amending Section 15.36.030 "Permits and fees required"; Amending Section 15.36.040 "Prohibited signs"; Amending Section 15.36.060 "Temporary signs"; Amending Section 15.36.090 "Illumination"; Amending Section 15.36.150 "Off-site banners – Community events"**

**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 a local government's regulation of signs; and

**WHEREAS**, the recent 9<sup>th</sup> 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 Sunnyside recognizes the necessity to amend its sign code to allow the City the ability to regulate signs within its boundaries while also complying with the above cases. NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** That Section 15.36.010 of the Sunnyside Municipal Code entitled "Intent" shall be and hereby is amended and shall read as follows:

**15.36.010 Intent.**

The intent of this chapter is to provide minimum standards to safeguard life, health, property and public welfare by regulating 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 City 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 all entities and for public information; but to prevent excessive and confusing signing displays and those that may be adverse to the public health, welfare, and safety. [Ord. 2119 § 1, 2005.]

**Section 2.** That Section 15.36.020 of the Sunnyside Municipal Code entitled "Definitions" shall be and hereby is amended and shall read as follows:

**15.36.020 Definitions.**

For the purpose of this chapter, the following terms have the following definitions:

"Abandoned sign" means any sign which is located on property which becomes vacant and unoccupied for a period of six months or more, or any sign which relates to any occupant or business unrelated to the present occupant or their business, or any sign which pertains to a time, event or purpose which no longer applies.

"Administrator" means the City Manager or his designee, including but not limited to, the Building Official and/or Property Maintenance Facilitator.

"Advertising vehicle" means any vehicle or trailer on a public right-of-way which has attached thereto, or located thereon, any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. 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. Franchised buses or taxis are exempt from this chapter.

"Animated sign" means 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. Excluded from the definition are public service signs, changing message center signs, searchlights and flags.

"Awning" means a shelter extending from and supported entirely by the exterior wall of a building.

"Bulletin board (reader board)" means a sign so designed that the message may be changed by removal or addition of specially designed letters that attach to the face of the sign.

"Commercial sign" means any commercial communication device, structure or fixture that is extended to aid an establishment in identification, advertisement, or promotion of the content therein and to advertise and/or promote a business or service. For the purpose of this chapter, a commercial 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.

"Construction sign" means any commercial 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.

"Illuminated Electronic Sign." Illuminated electronic sign is a sign on which differing copy is shown through an illuminated electronic or electrically controlled device, which may also display time and temperature or other messages. For the purposes of this Chapter, such signs shall be regulated based on their applicable sign type, i.e. Freestanding sign, Wall sign, Monument sign, etc.

"Flashing sign" means any sign which contains an intermittent or flashing light source that has a strobe-like effect that may create any public safety risk with respect to nearby moving vehicles or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Excluded from the definition are public service and changing message center signs.

"Freestanding sign" means any sign which is supported by one or more uprights, poles or braces in or upon the ground.

"Garage sale signs" (i.e., yard sales, moving sales, patio sales) means commercial temporary signs used to announce a sale of used items at a location within a residential zone not normally involving commercial activities.

"Grade" means the elevation or level of the street closest to the sign to which reference is made, as measured from the street's centerline, or the relative ground level in the immediate vicinity of the sign.

"Grand opening displays" means commercial temporary signs, posters, banners, strings of lights, clusters of flags, balloons and searchlights used to announce the opening of a completely new enterprise or the opening of an enterprise under new management.

"Height" or "height of sign" means the vertical distance from the grade to the highest point of a sign or any vertical projection thereof, including its supporting columns.

"Landscaping" means any material used as a decorative feature, such as shrubbery or planting materials, planter boxes, concrete bases, brick work, decorative framing, or pole covers, used in conjunction with a sign which expresses the theme of the sign and related structure but does not contain advertising copy.

"Legal nonconforming sign" means a sign which:

1. On the effective date of the ordinance codified in this chapter was lawfully maintained and had been lawfully erected in accordance with the provisions of any prior sign ordinance or code but which sign does not conform to the applicable limitations established by this chapter; or
2. On or after the effective date of the ordinance codified in this chapter was lawfully maintained and erected in accordance with the provisions of this chapter but which sign, by reason of amendment of the ordinance codified

in this chapter after the effective date thereof, does not conform to the applicable limitations established by the amendment of this chapter.

“Marquee” means a permanent roofed structure attached to and supported by the building and projecting over public property.

“Marquee sign” means any sign attached to or supported by a marquee.

“Monument sign” means a ground-mounted sign which is higher than three feet above the average ground elevation and which is attached to the ground by means of a wide base of solid appearance and sturdy construction.

“Multiple-building complex” means a group of structures housing at least one retail business, office, commercial venture or independent or separate part of a business which shares the access and/or parking facilities.

“Multiple-occupancy building” means a single structure housing more than one retail business, office or commercial venture.

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

~~“Political sign” means a sign advertising a candidate or candidates for public elective office, or a political party, or signs urging a particular vote on a public issue decided by ballot.~~

“Portable (mobile) sign” means a sign made of any material, which by its design, is readily movable and is equipped with wheels, casters or rollers or which is not permanently affixed to the ground, structure or building. (Also includes sidewalks or sandwich board signs, and signs mounted on the tops of vehicles.)

“Projecting sign” means a sign other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

“Public service sign” means an electronically or electrically controlled public service sign or portion of a larger sign which conveys only information such as time, date, temperature, atmospheric condition or general news information where different alternating copy changes are shown on the same lamp bank matrix.

“Real estate or property for sale, rental or lease sign” means any commercial temporary sign pertaining to the sale, lease or rental of land or buildings.

“Roof sign” means any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

"Searchlight" means an apparatus containing an electric light or reflector on a swivel for projecting a far-reaching beam in any desired direction.

Shopping Center. See "multiple-building complex" above.

~~"Sign" means any commercial communication device, structure or fixture that is extended 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.~~

"Sign area" means the entire area of ~~a~~ any type of sign on which copy is to be placed. Only one side of a double-faced sign shall be included. The area of painted signs, individual letter signs, and other indirectly illuminated signs shall be calculated on the basis of the smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between letters and lines, as well as the areas of any devices, illuminated or nonilluminated, which are intended to attract attention.

"Structural alteration" means any action that changes the height, size, shape of the sign or any action that affects the base or support(s) of the sign.

"Temporary sign" means any sign, banner, pennant, valance, flags (not intended to include flags of any nation, state, city or other governmental agency, or nonprofit organization), searchlights, balloons or other air- or gas-filled figures or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other similar light-weight materials, with or without frame, designed or intended to be displayed for a limited period of time only. Different types of temporary signs included in this category are construction, grand opening displays, real estate, ~~special event~~, advertising banners, political and garage sale signs.

"Wall" means any member or group of members, which defines the exterior boundaries of a building and which has a slope of 60 degrees or greater with the horizontal plane. The height of a wall shall be measured as the two-dimensional height from the average finish grade of the particular architectural building elevation adjacent to the wall to the finish roof plane.

"Wall sign" means any sign attached to or painted directly on the wall or erected against the wall of a building being parallel or approximately parallel to said wall, and does not exceed a distance of 15 inches from said wall. [Ord. 2119 § 1, 2005.]

**Section 3.** That Section 15.36.030 entitled "Permits and fees required" of the Sunnyside Municipal Code shall be and hereby is amended and shall read as follows:

**15.36.030 Permits and fees required.**

- A. Contractor's License – Exception. No sign permit shall be issued unless the sign installer has a valid Washington State contractor's license and current City of Sunnyside business license; provided, however, an applicant may obtain a permit to install a sign on the applicant's own property without a State license.
- B. Permit – Requirements. No sign governed by the provisions of this code shall be erected, structurally altered or relocated by any person, firm or corporation after December 31, 2005, without a permit issued by the City (with the exceptions as noted). No new permit is required for signs which have permits and which conform to the requirements of this code existing as of December 31, 2005, unless and until the sign is structurally altered or relocated.
- C. Permit – Applications.
  - 1. All signs regulated by this chapter shall require issuance of a sign permit by the administrator; provided, that ~~real estate signs, political signs, and garage sale signs which meet the provisions of this chapter~~ signs that meet the definition of "temporary signs" under this chapter do not require issuance of a sign permit.
  - 2. Applications for permits shall contain the name and address of the owner and user of the sign, the name and address of the owner of the property on which the sign is to be located, the location of the sign structure, drawings or photographs showing the design and dimensions of the sign and details of its proposed placement and such other pertinent information as the administrator may require. Applications for permits for non-commercial signs need only reveal the content or message of the sign for purposes of ensuring that such content is not in violation of any State or Federal law.
  - 3. Sign permits shall be issued or denied no later than two weeks from the date of a complete application, unless other reviews or permit procedures such as variance requests or conditional use permits are required.
- D. Fee Schedule. Fees for sign permits shall be established by resolution of the City Council.
- E. Exemptions. The following signs do not require a sign permit, nor shall the area and number of such signs be included in the area and number of signs permitted for any site or use. This shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with the provisions of this chapter or any other law or ordinance, including but not limited to height restrictions, intersection visibility requirements, and construction requirements.

1. 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.
2. Memorial signs or tablets (which signs or tablets dedicate the building or property to the memory or recognition of persons or other entities), names of building, stained glass windows and dates of erection when cut into the surface or the facade of the building or when projecting not more than two inches.
3. Traffic or other municipal signs, signs required by law or emergency, railroad crossing signs, and legal notices, and any temporary ~~or nonadvertising~~-non-commercial signs as may be authorized by the City Council.
4. 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.
5. Flush-mounted wall signs used to identify the name and address of the occupant for each dwelling provided the sign does not exceed two square feet in sign area.
6. 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.
7. One bulletin board not over 50 square feet in sign area for each public, charitable or religious institution where the same is located on the premises of such institution.
8. Decorations. Such signs in the nature of decoration, clearly incidental and customary and commonly associated with any national, local or religious holiday.
9. Painting, repainting or cleaning of ~~an advertising~~ a sign's structure or the changing of the ~~advertising~~ copy or message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made.
10. Sculptures, fountains, mosaics and design features which do not incorporate advertising or identification of any product or business.
11. "No trespassing," "no dumping," "no parking," "private," signs identifying essential public needs such as restrooms, entrance, exit, telephone, and other informational warning signs, which do not exceed four square feet in surface area.

12. Directional signs erected by the City on public streets directing the public to emergency, public, civic or nonprofit facilities. Such sign may have an arrow and the type service available. Such sign shall not exceed four square feet. [Ord. 2119 § 1, 2005.]

**Section 4.** That Section 15.36.040 entitled "Prohibited signs" of the Sunnyside Municipal Code shall be and hereby is amended and shall read as follows:

**15.36.040 Prohibited signs.**

Prohibited signs are subject to removal (except legal nonconforming signs as defined in this chapter) by the City at the owner's or user's expense. The following signs or displays are prohibited:

- A. Roof signs; provided, however, that the administrator may grant a variance if no other sign location is available;
- B. Flashing signs only as defined within this chapter;
- C. Portable signs, except as provided under temporary signs;
- D. Signs which purport to be, or are, an imitation of, or resemble an official traffic sign or signal, or which bear the words "stop," "caution," "danger," "warning," or similar words;
- E. 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;
- F. Signs which are located upon or projecting over public streets, sidewalks, or rights-of-way, except as provided for awnings and marquees in SMC 15.36.130;
- G. Signs attached to utility poles;
- H. Off-premises signs, except as provided in SMC 15.36.050;
- I. Temporary signs, including but not limited to posters, banners, pennants, except as provided in temporary signs in SMC 15.36.060;
- J. Strings of banners, pennants, and other graffiti-like material; and
- K. Advertising vehicles. [Ord. 2119 § 1, 2005.]

**Section 5.** That Section 15.36.060 entitled "Temporary signs" of the Sunnyside Municipal Code shall be and hereby is amended and shall read as follows:

**15.36.060 Temporary signs.**

Temporary signs may be allowed unless the use for which the sign is intended ceases to exist, in which case the temporary sign must be removed within fifteen (15) days of the time that the intended use ceases to exist. Temporary signs that are not removed within fifteen (15) days after the intended use ceases to exist, shall be considered abandoned, and may be removed by the City and the reasonable cost of removal shall be the responsibility of the person or entity originally responsible for placement of the sign.

The following signs are classified as temporary (nonpermanent). The following temporary signs are permitted subject to the applicable limitations:

- A. Construction Signs. No permit required. Such signs may be displayed only after a building permit is obtained and during the period of construction on the construction site. Only one such sign is permitted per construction project for each public street upon which the project fronts. The applicable limits are as follows:
  - 1. In all zones other than low-density residential zones (R-1 and URA zones), no construction sign shall exceed 32 square feet in sign area (printed copy on one side only) or 10 feet in height, nor be located closer than 10 feet from the property line or closer than 30 feet from the property line of the abutting owner.
  - 2. In low-density residential zones (R-1 and URA), no construction sign shall exceed 32 square feet in sign area (printed copy on one side only) or 10 feet in height, nor be located closer than 10 feet from the property line of the abutting owner.
- B. Grand Opening Displays – Permit Required. Such temporary signs, posters, banners, strings of lights, clusters of flags, balloons or other air- or gas-filled figures, and searchlights are permitted on premises only and for a period of 30 days only to announce the opening of a completely new enterprise or the opening of an enterprise under new management. Sandwich board signs are permitted, provided each side does not exceed two and one-half feet by four feet. All such materials shall be removed immediately upon the expiration of 30 days. Searchlights may be permitted by any business or enterprise, provided the beam of light does not flash against any building or does not sweep an arc of more than 45 degrees from vertical.
- C. Special Event Signs for Businesses and Organizations. Permit required. Such temporary signs may be placed on premises only and shall not be larger than 32 square feet in total combined. Sandwich board signs are permitted, provided each side does not exceed two and one-half feet by four feet. Said signs shall not be

posted or attached to telephone poles, power poles or other public utility facilities. Such signs may be permitted, on premises only, and for a period of 14 days only. The business owner or organization for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this code. Searchlights may be permitted by any business or enterprise, provided the beam of light does not flash against any building or does not sweep an arc of more than 45 degrees from vertical.

D. Real Estate Signs. No permit required. All exterior real estate signs must be of wood or plastic or other durable material. The permitted signs, with applicable limits, are as follows:

1. Residential "for sale," "open house" and "sold" signs: Such signs shall be limited to one sign per street frontage not to exceed six square feet in sign area, placed wholly on the property for sale, and not to exceed a height of seven feet.
2. Residential directional "open house" signs advertising residential developments within the City shall be permitted during daylight hours on weekends only and must be placed out of the way of pedestrian traffic.
3. Undeveloped commercial and industrial property "for sale or rent" signs: One sign per street frontage advertising undeveloped commercial and industrial property for sale or rent. The sign shall not exceed 32 square feet in sign area and 10 feet to top of sign.
4. Developed commercial and industrial property "for sale or rent" signs: One sign per street frontage advertising a commercial or industrial building for rent or sale is permitted while the building is actually for rent or sale. If one face of the building is less than 10 feet from the property line, the sign shall be placed on the building or in a window. The sign shall not exceed 10 feet to top of sign, if freestanding, and shall be located more than 15 feet from any abutting property line and any public right-of-way line. Such sign shall not exceed 32 square feet in sign area.
5. Undeveloped residential property "for sale" signs: One on-premises sign per street frontage advertising undeveloped residential property for sale is permitted, not exceeding 32 square feet in sign area. Such sign must be placed more than 30 feet from the abutting owner's property line and may not exceed a height of 10 feet to top of sign.

~~E. Political Campaign Signs. No permit required. Political campaign signs or posters shall not be larger than 32 square feet of sign area and shall not be posted or attached to telephone poles, power poles, or other utility facilities, or in any public rights-of-way. Such signs must be maintained free of any damage or defacement and it shall be the responsibility of the candidate or committee to remove any~~

~~damaged or defaced signs within 24 hours. Such signs must be removed within 10 days after the Election Day. The candidate or committee for whom the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this code.~~

FE. Garage Sale (Yard Sales, Moving Sales, Patio Sales). Permission shall be obtained from the owner of each property where signs are located if not at the sale location. Said signs shall not be placed in any public right-of-way, on any public utility pole, sign posts, traffic control sign or device, public structure or building, or shade tree. Each sign placed off the premises of the sale shall include the date(s) of the sale, written address of the location where the sale is conducted, and telephone number of the responsible person for such sale. No such sign shall exceed four square feet in sign area. The sign may be displayed only during the sale and must be removed the day the sale ends. The person or persons for whom the sign is displayed shall be responsible for its removal and subject to penalties as provided in this code. In addition to any remedy for violation of this code, any sign without the required information, in disrepair or in violation of the provisions regulating placement is subject to immediate removal by the City and no attempt will be made to notify the permit holder or property owner. Any sign not removed at the conclusion of the sale will be considered a separate violation.

GF. Sandwich Board Signs. Permit required. Businesses that cater to pedestrians such as restaurants, retail businesses that sell clothing, gifts, accessories, small markets, or similar uses as determined by the administrator shall be allowed to have sandwich board signs. Such signs shall only be pedestrian-oriented in nature and each business will only be allowed a maximum of one sandwich board sign. Sandwich board signs are subject to the following conditions:

1. The area of the sandwich board shall not exceed six square feet per side in size and shall not be wider than two feet.
2. Sandwich boards shall be constructed out of materials able to withstand typical weather conditions, such as metal, finished wood, chalkboard, whiteboard or plastic. Sandwich boards shall be maintained in a legible and intact manner.
3. Sandwich boards may only be displayed during business hours. If business hours continue past daylight hours, precautions should be taken to place the sign in a location where it is readily visible after dark. Sandwich boards shall not be wired for lighting.
4. Sandwich board advertising businesses with buildings directly adjacent to a public sidewalk may be located in front of the building in which the business is located.

5. Sandwich boards advertising businesses in multiple-occupancy buildings may be located no farther than 12 feet from the entrance of the business.
  6. Sandwich boards shall not be placed in a location which is within the vision triangle or any location which will impede vehicular traffic. Further, such signs shall not be placed in a manner which will block or otherwise obstruct the safe use of sidewalks, building entrances or stairs by pedestrians, including pedestrians who are visually impaired or otherwise handicapped.
- G. Window signs. Any sign or group of signs placed in any window shall not cover more than 25 percent of the window and shall not obscure the visibility of any clerk or cashier position when viewed from outside the building frontage. All such signs shall be subject to and included in the calculation of total square footage of signs allowed pursuant to subsection (H) of this section.
- H. Building signs. Temporary signs placed upon a building shall not exceed five percent of the individual building face on the primary frontage or 32 square feet, whichever is less. No more than two temporary signs for a single intended use may be displayed at any one time by a single entity upon the same property.
- HJ. Outdoor Commercial Signs. No permit required, but a signage plan for City review and approval will be required as part of the annual business license. The following requirements apply to placement and maintenance of outdoor commercial signs, including but not limited to banners and other temporary signs.
1. All temporary outdoor commercial signs shall be wall signs.
  2. All temporary outdoor commercial signs shall be located on the primary frontage of the building. Any sign or group of signs placed in any window shall not cover more than 25 percent of the window and shall not obscure the visibility of any clerk or cashier position when viewed from outside the building frontage. All such signs shall be subject to and included in the calculation of total square footage of signs allowed pursuant to subsection (H)(3) of this section.
  3. Temporary outdoor commercial signs shall not exceed five percent of the individual business building face on the primary frontage or 32 square feet, whichever is less. No more than two temporary outdoor commercial signs may be displayed at any one time by a single business.
  3. J. Total Display Period. Any single business shall be permitted a total display period for temporary signs not to exceed 60 days in any one business license year, unless the product or service advertised is seasonal in availability or solely intended to promote specialty goods to attract tourism, in which case such sign may be permitted a total display of 60 days

plus the length of such seasonal availability or availability of such specialty goods. [Ord. 2190 § 2,2008; Ord. 2137 § 1, 2006; Ord. 2119 § 1, 2005.]

**Section 6.** That Section 15.36.090 entitled "Illumination" of the Sunnyside Municipal Code shall be and hereby is amended and shall read as follows:

**15.36.090 Illumination Limitations on Electronic Signs.**

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. [Ord. 2119 § 1, 2005.]

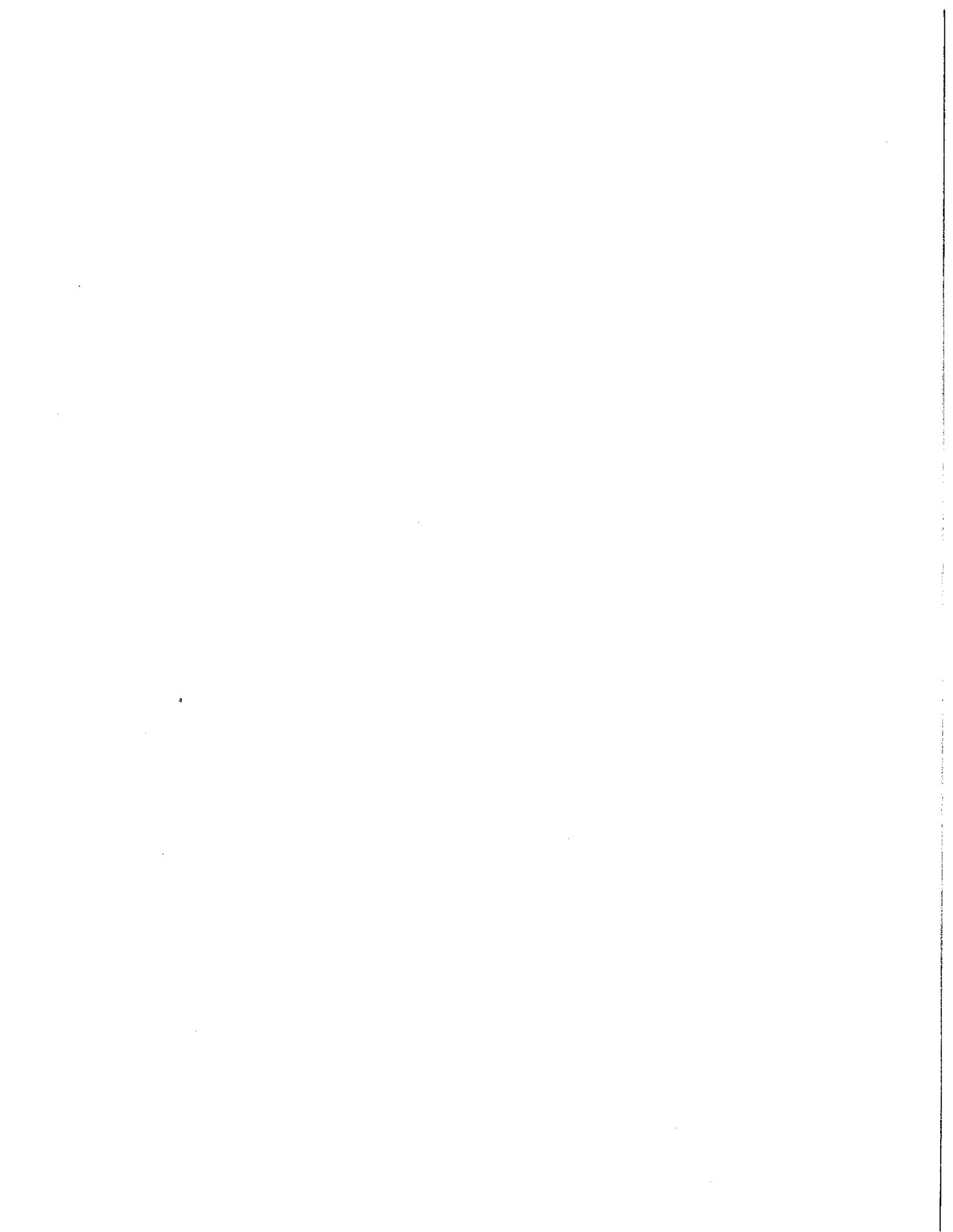
No sign may contain or utilize any of the following:

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 (6) inches on center.

**Section 7.** That Section 15.36.150 entitled "Off-Site banners" of the Sunnyside Municipal Code shall be and hereby is amended and shall read as follows:

**15.36.150 Off-site banners – Community events.**

- A. Banner installations shall be allowed at designated streets or designated poles as approved by the City.
- B. Written requests for the use of the banner locations shall be submitted to the City Planning and Community Development Department using the form provided by the City. The request shall include pertinent information such as the nature of the event

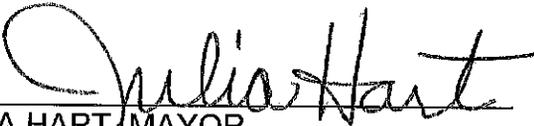


being advertised, the length of time the banner is to be hung, a description of the banner, who will install the banner, a contact person responsible for the banner and phone number of that person.

- C. Banners shall be used to advertise community events, and not for the commercial advertising ~~of the organization or its products~~. No requests shall be approved for banners advertising the following types of events:
  - 1. Commercial product sales or events;
  - 2. ~~Political events;~~
  - 3. ~~Religious events.~~
- D. Installation of banners shall be scheduled on a first-come, first-served basis. Requests must be received three weeks prior to the date the banners will be installed. Banners shall be limited to a maximum of four weeks beginning on a Monday.
- E. City staff will schedule the banner for the requested time, provided there has not been prior written application for the same dates.
- F. Installation and removal of the banners shall be the sole responsibility of the applicant. Arrangements by the applicant must be made for the installation and removal of the banner by the installer, as approved by the City.
- G. Installation and removal of banner shall be coordinated with other applicants.
- H. Banners shall be no larger than 30 feet in width and no larger than three and one-half feet in height. The ~~approved~~ message shall appear on both sides of the banner, unless the approved display area is on a wall or other similar display area. No greater than 15 percent of the sign area, per side, may include advertisement of the sign sponsor(s).
- I. Banner shall be designed and installed in accordance with guidelines prepared by the administrator.
- J. The applicant shall repair or remove their banner when notified by the administrator that the banner may pose a danger to public safety due to banner deterioration. If the applicant fails to remove the banner within 24 hours, or such other time determined necessary by the administrator, staff shall remove the banner or cause it to be removed, and will bill the applicant for the cost of removal. [Ord. 2119 § 1, 2005.]

**Section 8.** This Ordinance shall take full force and effect five (5) days after its approval, passage and publication as provided by law.

**PASSED** by the City Council of the City of Sunnyside, Washington, and approved as provided by law this 12th day of February, 2018.

  
\_\_\_\_\_  
JULIA HART, MAYOR

ATTEST:

  
\_\_\_\_\_  
DEBORAH ESTRADA, CMC, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
KERR LAW GROUP  
Attorneys for the City of Sunnyside