

ORDINANCE NO. C - _____

An ordinance relating to signs; amending SMC 17C.240.070 and SMC 17C.240.240.

The City of Spokane does ordain:

Section 1. That SMC section 17C.240.070 is amended to read as follows:

Section 17C.240.070 Prohibitions

K. It shall be unlawful for any person, except a public officer or employee in the performance of his public duty, to affix, post, paint, nail, fasten, place, or locate any sign, card, banner, handbill, poster, or advertising or notice of any kind, or cause the same to be done, upon public streets, highways, public right-of-way ((bridges)) or any publicly owned or maintained property within the City of Spokane, or upon any curbstone, traffic control device, street sign, utility pole, hydrant, fence, lamp post, guardrail, ~~((City-owned structure or City-owned))~~ tree or shrubbery or any other structure situated within ((in any public place,)) any such areas or to affix the same to a wire or appurtenance thereof, except as may be authorized by the ordinances, laws, or regulations of the City of Spokane, the State of Washington or the United States. City-owned or maintained structures include, but are not limited to, bridges, overpasses, street medians, retaining walls, fences, street furniture, and shelters, among other structures located upon public streets, highways, public right-of-way or other public property. The prohibition contained herein shall not apply to political campaign signs which are permitted pursuant to the regulations set forth in ((shall be regulated pursuant to)) SMC 17C.240.240(G)(6).

Section 2. That SMC section 17C.240.240 is amended to read as follows:

SMC 17C.240.240

G. Temporary Signs.

The following signs are classified as temporary (non-permanent). Temporary signs are permitted subject to the applicable limitations.

6. Political Campaign Signs.

All signs which are relating to promoting or publicizing the nomination or election of any individual for a public political office to be voted on in any **primary**, general or special election or advocating any **ballot** measure to be voted on in any **primary** general or special election, hereinafter referred to as political campaign signs, are permitted ((shall be)) subject to the following regulations:

a. Size of Signs.

Political campaign signs located on private property in a residential zone shall be limited to a maximum surface area of sixteen square feet. Political campaign signs located on private property in zones other than residential zones shall be limited to a maximum surface area of thirty-two square feet. Political campaign signs located in the public right-of-way as set forth in subsection c shall be limited to a maximum surface area of five square feet with a maximum height of five feet. The maximum square footage shall be based upon one side of the sign. Signs may be two-sided.

b. Political Campaign Signs on Private Property.

~~((No political))~~ Political campaign signs ~~((shall))~~ may be erected upon any private property with~~((out))~~ the permission of the property owner, resident, or respective agent. In cases of vacant property, or where there is no occupied structure on the property, ~~((no))~~ political signs ~~((shall))~~ may be placed thereon with~~((out))~~ the written consent of the property owner or his or her agent.

c. Political Campaign Signs on the Public Right-of-Way.

Placement of political campaign signs on the public right-of-way must have the permission for such placement of the abutting property owner. For purposes of this section, the public right-of-way shall mean that portion of the public right-of-way located next to a street between the roadway and the adjacent private property open to the public for general pedestrian passage, including the buffer/planting strip. Political campaign signs may be posted preceding a primary, general or special election within ~~((traditional public forums located on improved))~~ the public right-of-way only if the signs do not create a traffic obstruction or hazard or impair or impede pedestrian thoroughfares and comply with all requirements of this section. Political campaign signs located in the public right-of-way shall only be attached to a self-supporting wood stick(s), metal post, or other such devices, shall not be attached to any other structures and shall not be erected in any manner which would damage the surface infrastructure in which the sign is located. ~~((Placement of political campaign signs on the improved public right-of-way adjacent to private property shall be subject to all existing private property ownership rights.))~~

d. Unauthorized Signs.

Unauthorized signs of any nature located either on City-owned or maintained property, whether occupied or vacant ~~((, that is beyond the public right-of-way))~~ or on any portion of park property under the jurisdiction of the park board is prohibited and shall be immediately removed unless specifically authorized by law. City-owned or maintained property shall include all property held in the

City's name or controlled by easement or other legal devices, including all portions of the public right-of-way.

e. Removal of Signs.

i. Political campaign signs on the public right-of-way as defined in this section or private property shall not be displayed after the date the election results have been certified for the election for which it was intended. In cases where a general election follows a primary election, those signs for candidates whose names will appear on the ballot in the general election may be displayed during the interim period and up to the date the general election results are certified. In all instances herein in which political campaign signs are required to be removed, or if the signs have become detached from their support device or damaged, it shall be the responsibility of the property owner or occupant, if the sign is located on private property, or the respective candidate, if the sign is located on the public right-of-way, to have the signs removed.

ii. Failure to remove political campaign signs located on the public right-of-way shall result in a one-time sign removal fee of twenty-five dollars per sign under fifteen square feet and fifty dollars for signs over fifteen square feet being assessed against the respective responsible campaign official. For the purpose of recovering the costs of removal there is a rebuttable presumption that the candidate seeking office or the sponsor of a **ballot** measure is the responsible campaign official who is responsible for the placement of a political campaign sign in the public right-of-way. Removal of signs located in the public right-of-way shall be under the direction of the director of public works and utilities or his or her designee.

iii. Failure to remove political campaign signs located on private property shall result in a civil infraction assessed pursuant to [SMC 1.05.160](#) against the property owner or occupant for each sign. Each day shall be a separate violation. A notice to remove the sign shall be issued by the code enforcement department to the property owner and/or occupant prior to the issuance of a civil infraction pursuant to [SMC 1.05.040.](#))

~~((iv.))~~ The sign removal fee may be appealed to the hearing examiner within ten days of a letter assessing the fee. A civil infraction may be contested in the municipal court.

f. Signs Related to Constitutionally Protected Free Speech.

Signs expressing constitutionally protected free speech located on private property or in the public right-of-way as defined in this section, unrelated to promoting or publicizing the nomination or election of any individual for a public political office or advocating any **ballot** measure to be voted on in any **primary**, general or special election, shall not be subject to the time period for the removal

of political campaign signs, but shall otherwise be subject to all other provisions of this section.

g. Public Notice.

Nothing in this chapter shall be construed to prohibit or modify the requirements for placement of public notices required by law.

h. Exemption.

Nothing in this chapter shall limit the promotion or publication of a political message by other means lawfully permitted under the City's sign code, [chapter 17C.240 SMC](#).

i. Permit or Permit Fees.

There shall be no permit or fee requirement for political campaign signs erected under this section unless the sign is attached to a sign structure permitted under other provisions of the sign code that requires a permit and fee.

PASSED BY THE CITY COUNCIL ON _____, 2011.

Council President

Approved as to form:

Assistant City Attorney

Date

Effective Date

Attest:

City Clerk

Mayor