

EXHIBIT A

Chapter 14.10 SIGNS

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14.10.010 Purpose

The purpose of this Chapter is to promote the use of signs which are both functional and attractive in appearance through a sign regulation and permit

system. This system is intended to permit such signs that will not, by their size, location, design, construction or manner of display, endanger the public safety of individuals, obstruct vision necessary for traffic safety, or otherwise endanger the public health, safety, general welfare, or the economy and business climate of the City of Leavenworth. Further, it is recognized that Leavenworth is located in a valley with outstanding natural scenic beauty, and that this resource has been enhanced by adoption of the Old World Bavarian-Alpine theme. These two assets form the basis for Leavenworth's thriving tourist industry, upon which the City's economic health and general welfare so heavily depends. Signs complementing the Old World Bavarian-Alpine theme, as provided for in this Chapter, form a key and indispensable part of the overall visual attractiveness of the City, and thereby contribute both to the aesthetic and economic well-being of Leavenworth. The purpose of this Chapter is also based on the goals and policies in the City's adopted Comprehensive Plan, which is incorporated herein by this reference.

14.10.020 Scope.

This Chapter applies within Leavenworth City limits and UGA to all existing signs and all signs erected, moved, relocated, enlarged, structurally changed, painted, or altered after the date of adoption of the ordinance codified in this Chapter. All such signs must comply with the requirements of this Chapter.

14.10.030 Permit required

No sign governed by the provisions of this Chapter shall be erected, altered or relocated by any person, firm or corporation from and after the date of adoption of the ordinance codified in this Chapter without a permit issued by the City or county (as applicable) unless such sign is expressly allowed without permit.

14.10.040 Prohibited Signs

Unless specifically allowed in this Chapter it is unlawful to erect or maintain:

- A. Any sign within the Commercial Districts, including logo signs, which are not compatible in design, lettering style, and color with the Old World Bavarian-Alpine Theme. Logos of chain or franchised businesses are prohibited, but may be allowed if modified to incorporate graphics, colors, and Old World Bavarian-Alpine lettering styles as approved by the Design Review Board;
- B. Off-site signs except for political signage, campaign signs, or other protected First Amendment signs in the public forum portion of the rights-of-way or when located within Designated Sign Areas, Community Bulletin Boards, and signs of a public body;
- C. Signs within right-of-way, except for political signage, campaign signs or other protected First Amendment signs in the public forum portion of the rights-of-

- way or when located within Designated Sign Areas, Community Bulletin Boards, and signs of a public body ;
- D. Signs which have moving parts, appear to move, or are designed to be moved in any way by the wind excepting analog clocks and glockenspiels;
 - E. Portable signs except as allowed pursuant to this Chapter;
 - F. Banner signs, pennants on a rope, balloons, and streamers except as allowed pursuant to this Chapter;
 - G. Neon signs, illuminated signs (except as allowed pursuant to this Chapter), and signs with flashing lights. (signs which are not internally illuminated shall be illuminated in conformance with Chapter 14.28 LMC, Lighting Standards);
 - H. Bench signs;
 - I. Trailer signs;
 - J. Vehicle signs when primarily used in a manner which constitutes signage except when located on-site of the property of the business being advertised; when mandated by state or federal rules and regulations; or when parked less than 8-hours off-site. Contractor vehicles may be on-site and/or within the construction staging area of any active construction site. No person shall move and re-park a vehicle or trailer in order to avoid a parking time limit.
 - K. Roof signs;
 - L. Billboards;
 - M. Signs which are plastic in appearance. Dry erase boards are prohibited. For the purposes of this prohibition, any material that may be visibly man made in appearance for example, plastic, vinyl, glossy, shiny, or other textures which may not be considered in the historical framework of the Old World Bavarian - Alpine theme is considered plastic in appearance; and
 - N. Signs which bear or contain statements, words, or pictures which are obscene under the prevailing statutes or U.S. Supreme Court decisional law.

14.10.050 Permit not required when (partially exempt signs)

The following types of signs and devices are exempt from the permit requirements of this Chapter; provided that any standards or conditions specified in this Chapter are met; adhere to the prohibitions within Section 14.10.040, unless otherwise provided within this Section; and the signs are maintained. Temporary signs installed pursuant to this section do not have vested status and cannot become permanent installations. The City Administrator or his/her designee shall be responsible for determining compliance of "signs allowed without permit". The signs must be compatible in design with the Old World Bavarian-Alpine theme unless specified herein. In determining compliance, the City Administrator or his/her designee shall consider the following required provisions:

1. Compliance with size, location, and number requirements of this chapter;

2. The use of approved Old World Bavarian lettering;
 3. The use of Baroque, Rococo, Classical, or Bavarian folk art elements (may be shape of sign, border, or other elements as determined by the City); and
 4. The use of approved Old World Bavarian colors as determined by the Design Review Board by resolution.
- A. Menu signs provided that:
1. The menu displayed is the same as that given to the customers;
 2. The signs are limited to two (2) signs with a cumulative total maximum area of six (6) square feet (except as approved for sidewalk seating);
 3. The signs are within an approved enclosure;
 4. Dry erase boards are prohibited;
 5. Chalkboards may be used;
 6. Such signs shall be exempt from wall sign calculations;
 7. Such signs shall be on-site and within an approved enclosure;
 8. The signs must be compliant with the Old World Bavarian-Alpine theme and 14.10.180; and
 9. Such signs are considered temporary signs, and may be in place for the duration of the business.
- B. Flags and insignia of any government; constructed and displayed in a manner which is consistent with LMC 14.17.
- C. Signs of a public body, noncommercial in nature, including, without limitation, public transit service signs, public utility information signs, traffic control signs, public warning signs, and all signs erected by a public officer in the performance of a public duty. Such signs are exempt from compliance with the Old World Bavarian - Alpine theme and 14.10.180.
- D. Directional signs provided that:
1. Such signs shall not exceed two (2) square feet in area;
 2. Such signs are limited to five per building or undeveloped lot / parking lot;
 3. Such signs must be compliant with the Old World Bavarian-Alpine theme and 14.10.180;
 4. Directional signs may contain the name and/or logo of the business separately or combined which shall not exceed 25% of the directional sign area;
 5. Commemorative plaques and integral signs not exceeding three (3) square feet in area; and

6. Such signs are exempt from compliance with the Old World Bavarian Alpine theme and 14.10.180.

E. Construction signs provided that:

1. Only one such sign may be allowed per street frontage of a building;
2. The area of each sign shall not exceed thirty-two (32) square feet;
3. The sign must be compliant with the Old World Bavarian-Alpine theme and 14.10.180;
4. The signs shall be removed within 30 days of completion or occupancy of the building, whichever comes first; and
5. Such signs are considered temporary signs.

F. Political election and free speech signs provided that:

1. Such signs are considered temporary signs;
2. The area of individual signs shall not exceed four (4) square feet;
3. Such signs are exempt from compliance with the Old World Bavarian - Alpine theme and 14.10.180;
4. Such sign may be made of any material;
5. Such signs are allowed within right-of-way provided that they shall not be located on sidewalks or other traveled ways. At no time shall signs block or obstruct safe sight distance, and/or become a nuisance, hazard and/or danger to the public as determined by the Public Works Department; and
6. Election signs shall be removed no later than fifteen (15) days after the election.

G. On-site portable signs provided that:

1. Such signs are considered temporary signs, and shall be allowed during business hours only;
2. The area of individual signs shall not exceed four (4) square feet;
3. Only one sign shall be allowed per parcel or driveway entrance;
4. Dry erase boards or other materials which are plastic in appearance are prohibited. Chalkboards may be used;
5. Such signs shall be compliant with the Old World Bavarian-Alpine theme and 14.10.180 when located within the Commercial Districts;
6. Such signs shall not block required exits or other necessary egress;
7. Such signs shall be located at street grade; and
8. Such signs shall not be placed off-site or within any public right-of-way, unless within a Designated Sign Area or within a Community Bulletin Board in compliance with the standards provided for such location.

- H. Community bulletin board structure provided that:
1. Such structure shall be constructed compliant with the Old World Bavarian - Alpine theme design (14.10.180);
 2. Such structure shall be located within public property and may be located within a DSA;
 3. Individual signs may be placed within the structure;
 4. Such structure shall not exceed twelve (12) feet in height; and
 5. The area available for placement of signage shall not exceed thirty-two (32) square feet.
- I. Temporary "new" or "coming soon" business signs provided that:
1. Such signs are considered temporary signs, and shall not exceed four (4) square feet in area;
 2. Such signs must be securely affixed to the surface of a building wall or window advertising their activity or business;
 3. Such signs must be compliant with the Old World Bavarian-Alpine theme and 14.10.180; and
 4. Such signs must be removed no later than 60 days after initial posting, unless otherwise extended by the administrative approval of the City.
- J. Temporary "sale" and special product announcement signs provided that:
1. Such signs are considered temporary signs;
 2. Such signs must be securely affixed to the surface of a building wall or window;
 3. Such signs must be compliant with the Old World Bavarian-Alpine theme and 14.10.180;
 4. Such signs must be removed no later than fifteen (15) days after initial posting;
 5. Such signs shall not be placed off-site, unless within a Designated Sign Area or within a Community Bulletin Board in compliance with the standards provided for such location;
 6. Such signs shall not be allowed at a business location more than three times per calendar year; and
 7. Such signs shall not cover more than one-third of the total window space. This area shall include all other allowed window signs (including "community service event signs") for a total cumulative area not to exceed one-third the window space.
- K. Temporary transient business signs provided that:
1. Such signs are considered temporary signs, and shall be compliant with the duration limits of the transient business license;

2. Such signs shall be reviewed and approved by the City during the process required for transient business licensing;
3. Such signage shall not exceed six (6) square feet in area;
4. Except for the open/closed and transient business sign allowed in this Chapter, no other signs shall be allowed; except as mandated by federal or state statute (for example: fireworks);
5. Such signs shall be allowed on any structure approved for use as a transient business; and
6. Such signs must be compliant with the Old World Bavarian-Alpine theme and 14.10.180.

L. Incidental signs provided that:

1. Such signs shall not exceed a total combined area of two (2) square feet per business;
2. All such signs must be compliant with the Old World Bavarian-Alpine theme and 14.10.180;
3. Only "open / closed" and "business hours" signs may be made of a synthetic or plastic material; and
4. Such signs are considered temporary signs, and may be placed for the duration of the business.

M. Real estate and/or "open house" signs provided that:

1. Such sign(s) shall not be placed off-site or within any public right-of-way, unless in a Designated Sign Area or within community bulletin boards in compliance with the standards provided for such location;
2. Such sign(s) may be portable;
3. Such sign(s) shall be no greater than five (5) square feet in area per side of sign and are limited to two sides;
4. One real estate sign may be allowed on the parcel being listed for sale;
5. The real estate and/or "open house" sign shall only be used for advertising to sell property and structures. The signs shall not be used to advertise for overnight accommodations or similar misuse;
6. Such sign shall be compliant with the Old World Bavarian-Alpine theme and 14.10.180 when located within the Commercial Districts; and
7. Such signs are considered temporary, and must be removed seven (7) days from the close of sale (recording and transfer of deed).

N. Special event sign provided that:

1. One such sign shall be allowed per vendor, and must be attached to the booth, tent, and/or concession area;
2. No portable or freestanding signs shall be allowed;

3. No internal, indirect or backlit illumination of any kind shall be allowed;
 4. Such signs are considered temporary signs;
 5. No sign shall exceed four (4) square feet in area;
 6. Such signs shall be compliant with the Old World Bavarian-Alpine theme and 14.10.180; and
 7. The sign shall be removed at the end of the event.
- O. Residential development signs provided that:
1. The height of such sign does not exceed six (6) feet;
 2. The sign is freestanding;
 3. The sign area shall not exceed eighteen (18) square feet; and
 4. Such signs are only allowed within the Residential Districts.
- P. Temporary community service event signs provided that:
1. Such signs are considered temporary signs;
 2. The signs are installed no more than 3-months prior to the start of said event except when located within right-of-way;
 3. The signs are removed no more than two (2) days after the end of the event;
 4. The area of the sign shall not exceed thirty-two (32) square feet in area when located on private property. The allowed area of this sign is in addition to any other allowed sign area, excepting window signage;
 5. Such sign shall not contain franchise logos;
 6. Such sign shall be immediately removed if not maintained;
 7. The sign(s) may function to direct visitors and residents to non-profit community events and what/ where services are available;
 8. Such sign may be portable and off-site;
 9. Such sign shall conform to the standards of the Designated Sign Area or Community Bulletin Board when located within Designated Sign Area or within a Community Bulletin Board;
 10. Signs allowed within right-of-way shall not exceed five (5) square feet in area; Signs allowed within right-of-way shall be located on sidewalks with greater than eight feet of width; or in location as to provide a minimum of five feet of unobstructed travel way as measured from the outer curb to the closest point (horizontally) to the sign. No more than five signs shall be allowed per 100 lineal feet of right-of-way. At no time shall signs block or obstruct safe sight distance, and/or become a nuisance, hazard and/or danger to the public as determined by the Public Works Department. Signs within right-of-way may be installed no more than two (2) weeks prior to the start of said event;

11. Such sign shall be compliant with the Old World Bavarian-Alpine theme and 14.10.180;
 12. Such signs shall not cover more than one-third of the total window space. This area shall include all other allowed window signs;
 13. Such signs may be made of any material, other than plastic; and
 14. Such signs shall not advertise specific business.
- Q. Warning signs (see signs of a public body for other warning signs) provided that:
1. The area of the sign does not exceed two (2) square feet and not more than one sign is placed per 50 feet of property frontage; and
 2. Such signs are exempt from compliance with the Old World Bavarian Alpine theme, quantity and size standards when required to comply with state or federal standards and specifications.
- R. Private use signs provided that:
1. The signs are no more than two (2) square feet in area;
 2. The signs are located in a residential district on private property, in a Designated Sign Area, or within community bulletin boards;
 3. Signs shall not be posted on any utility post, traffic post or street light post;
 4. Signs shall be removed the day the event or special condition ends; and
 5. Such signs are considered temporary signs.
- S. Signs located on the property of a residence provided that: the sign is noncommercial in nature and shall not exceed ten (10) square feet in area. Such signs are exempt from compliance with the Old World Bavarian - Alpine theme and 14.10.180 when not located within the commercial districts.
- T. Illuminated window signs, other than neon signs (see prohibitions), provided that: such sign are placed more than fifteen (15) feet back from the interior window surface or no less than one-half the depth of the tenant space, whichever provides the greatest distance from the window.
- U. Nonilluminated window signs provided that such sign is placed more than three feet back from the interior window surface.
- V. Neon signs provided that such sign is not visible from the street, alley, or sidewalk.

14.10.060 Permit Applications

- A. Application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his/her authorized agent. Such application shall be made in writing on forms furnished by the City. Only fully

completed applications shall be accepted by the City. If anyone other than the owner of the property is making application for a sign, the owner's signed and dated knowledge of and consent to the application must be shown on the application.

- B. The application for a sign permit shall be accompanied by the following plans and other information. A receipt of an application shall not preclude the city from requesting additional information if new information is required or a change in the proposed sign occurs:
1. The name, address and telephone number of the owner or person entitled to possession of the sign and of the sign contractor or erector.
 2. The location by street address of the proposed sign / sign structure.
 3. A drawing shall be on paper capable of being folded for storage in a nine-inch by 14-inch file, which shall become the property of the City. The drawing shall include the following:
 - a. An accurately colored drawing, to a scale appropriate for showing all detail of the sign including: all design details, lettering styles, mounting structures, location, height, width and devices. Such drawing will be an accurate "mock-up" graphic representation;
 - b. An accurately scaled drawing(s) of all building faces to be signed, including: building dimensions, the scaled and dimensioned outlines of all existing and proposed signs, and current photo of the building face or location;
 - c. An accurately scaled site plan showing the location of building(s), street(s) and sign(s) in the case of freestanding signs;
 - d. Accurate color representation or actual color chips;
 - e. Any existing and proposed sign lighting (lighting shall be compliant with LMC 14.28); and
 - f. The name of the proposed lettering style along with a detailed illustration of the proposed style.

14.10.070 Wall Signs Standards

- A. Wall signs may be located on any building face.
- B. The maximum area for the total of all permitted wall signs shall not exceed three percent of the building face area. This shall include all window and door areas and shall be measured from the sidewalk or ground line to the building eave line. Building names, not exceeding 10 square feet shall be approved by the Design Review Board but are not required to be included in the allowable sign area. In addition: incidental, integral, menu, directional, and commemorative plaque signs, when not exceeding a combined total of twelve square feet in area shall not be included in the allowed sign area.

- C. Business listing signs shall incorporate consistent lettering styles, and the individual signs comprising a business listing sign shall be uniform or consistent in size, shape and design.
- D. One nonilluminated wall sign shall be allowed per business property or parcel for businesses located in the residential zones.
- E. Signs for businesses in residential zones shall not exceed six square feet in area
- F. One directory sign shall be allowed per building for a building containing more than one business
- G. Directory Signs shall not exceed two square feet in area per business or a maximum of eight square feet in area. Such area shall not be included in the allowable sign area.
- H. Signage for transient businesses shall be reviewed during the design review process required for transient businesses. Wall signage on one face shall be the only allowed signage for a transient business. Such signage shall be compatible in design with the building or structure with which it is associated, but shall not exceed six square feet in area.

14.10.080 Projecting Signs Standards

- A. One projecting sign shall be allowed per business per building and shall be located in close proximity to (for example: above or beside) the public entrance for the business. The public entrance is defined as that used by the general public and not for purposes such as: staff entry, sending, receiving, emergency egress, etc. In no case shall more than one projecting sign be permitted per exterior building entrance, unless connected together as part of a projecting business listing sign.
- B. Projecting Signs (Highway location) shall not exceed fifty square feet in area. Decorative or support structures around the sign need not be included in the sign area and shall not exceed 100% of the allowed sign area. Buildings allowed a highway-sized projecting sign are limited to only one such sign. The sign shall not extend over the public right-of-way.
- C. Projecting Signs (Nonhighway location) shall not exceed five square feet in area for an individual business. The exception to this area limitation is for projecting signs which are used in place (replacing) of freestanding signs on lots with 80% or less lot coverage, pursuant to this Chapter. The sign shall not extend from the building exterior edge more than four feet over the public right-of-way to a maximum of eight (8) feet into public right-of-way from the building face. At no time shall any portion of a projecting sign encroach within vehicle travel ways. For the purposes of this section, the "exterior edge" may be the building walls, balconies, porticos or similar integral components of the building. "Exterior edge" shall not include flower boxes, storm doors, or similar ancillary building components. Decorative or support structures around the

sign need not be included in the projection length allowed over the public right-of-way, but shall not be allowed to project further than six feet over the public right-of-way from the exterior edge of the building, and shall not exceed 200% of the allowed sign area.

- D. The height of the top of the projecting sign shall not exceed 80% of the height of the building.
- E. A projecting sign shall not be attached to a railing, fence, deck support, or similar type of structure, but may be hung from or attached to a balcony.
- F. Business listing signs shall incorporate consistent lettering styles, each individual sign shall not exceed the area of an allowed projecting sign, and the individual signs comprising a business listing sign shall be uniform or consistent in size, shape and design.
- G. Clearance under the lowest point of any sign which projects out over a public right-of-way (if allowed) shall not be less than eight feet.
- H. One nonilluminated projecting sign shall be allowed per business property or parcel for businesses located in the residential zones. Any such sign shall not project over public right-of-ways, shall not obstruct internal walkways, and shall not be placed in areas where a vehicle driver's visibility (intersections, alleys, driveways) might be obscured.
- I. Signs for businesses in residential zones shall not exceed six square feet in area.

14.10.090 Freestanding Signs Standards

- A. Buildings which are located more than 10 feet behind the front or side property line (in the case of through lots, rear) may have a single freestanding sign. This sign shall not project over public right-of-ways, shall not obstruct internal walkways, and shall not be placed in areas where a vehicle driver's visibility (intersections, alleys, driveways) might be obscured. Only one freestanding sign shall be allowed per business property or parcel; provided, however, that two freestanding signs shall be allowed on parcels two acres or more in size if, in addition to those requirements already noted, all the following conditions are met:
 - 1. There shall be at least a total of 230 linear feet of frontage on two streets (alleys not included);
 - 2. There must be a vehicle ingress or egress for each freestanding sign, per street frontage; and
 - 3. Only one freestanding sign shall be allowed per street frontage, and such sign shall be placed in close proximity to the required vehicle ingress or egress.

- B. Freestanding signs (Highway location) shall not exceed fifty square feet in area; shall not exceed 15 feet in height; and shall not extend over the public right-of-way.
- C. Freestanding Signs (Nonhighway location) shall not exceed thirty two square feet in area; shall not exceed twelve feet in height; and shall not extend over the public right-of-way.
- D. When a business requires a drive-through and the main floor area of the structure that the business is located in exceeds 1,000 square feet, a drive-through menu board sign may be installed. The sign shall be constructed of any material allowed by this code. However, a clear rigid cover may be installed to cover the sign to provide security and protection from the weather. Lighting of the sign must comply with the requirements of this code. A best effort shall be made to screen the menu board sign from residential and public right-of-way properties as to view, lighting, and sound. The drive-through menu-board sign shall be allowed in addition to any other freestanding or projecting signs allowed pursuant to this code. The menu board sign shall not project over public right-of-ways, shall not obstruct internal walkways, and shall not be placed in areas where a vehicle driver's visibility (intersections, alleys, driveways) might be obscured.
- E. Drive-through menu board signs shall not exceed twenty five square feet in area. This sign area is in addition to that allowed in other sections of this Chapter.
- F. Drive-Through Menu Board Signs shall not exceed eight feet in height and shall not extend over the public right-of-way.
- G. Buildings allowed a freestanding sign may also have projecting sign(s); provided, that the area and number of such projecting sign(s) meets the standards within Section 14.10.080.
- H. A freestanding sign may be a business listing sign, or have multiple businesses. Business listing signs shall incorporate consistent lettering styles, and the individual signs comprising a business listing sign shall be uniform or consistent in size, shape and design. The total area of all signs within the business listing sign structure shall be as allowed within this section.
- I. One nonilluminated freestanding sign shall be allowed per business property or parcel for businesses located in the residential zones. Any such sign shall not project over public right-of-ways, shall not obstruct internal walkways, and shall not be placed in areas where a vehicle driver's visibility (intersections, alleys, driveways) might be obscured.
- J. Freestanding signs for businesses in residential zones shall not exceed four feet in height and shall not extend over the public right-of-way.
- K. Signs for businesses in residential zones shall not exceed six square feet in area

14.10.100 Building permits, structural requirements and sign maintenance

All signs shall conform with the following permitting, structural and maintenance requirements:

- A. Permits shall be applied for and obtained if required by the International Construction Codes, as amended by Washington State and the City of Leavenworth.
- B. Plans for projecting signs with a surface area exceeding 20 square feet shall be prepared by a Washington State licensed architect or engineer.
- C. Wiring for indirectly lighted signs shall be installed in accordance with the state electrical code.
- D. Sign Maintenance. All signs must be kept in good repair and in a safe manner at all times. The property owner or sign owner (if different than the property owner) must repair damaged or deteriorated signs within 60 days of notification by the City. The area surrounding freestanding signs must be kept free of litter and debris at all times. Signs not repaired within the allowed 60 days shall be considered abandoned signs.

14.10.110 Application fees

The City Council shall establish by resolution a schedule of fees, charges and expenses for permits, applications and other matters pertaining to this title related to sign permits. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken by the City on any application, appeal or request. There is no vested right to fees, charges, or expenses.

14.10.120 Existing nonconforming signs

Existing nonconforming signs as defined in this Chapter are permitted, but shall be removed or brought into compliance with this Chapter, as amended, any time the basic design, size, color or structure of the sign is altered, unless the proposed alteration renders the sign more in compliance with this Chapter and the cost of the alteration of a freestanding sign or highway projecting sign is less than 50 percent of the replacement value of the sign. Signs damaged or altered, in any manner, by more than 50 percent of their replacement value shall be replaced with a sign that meets the requirements of this Chapter as amended and in effect at the time of the requested replacement. Notwithstanding the foregoing, existing nonconforming signs shall be brought into compliance with this code no later than March 15, 2030. The hearing examiner shall review and make decisions on appeals alleging an error in a decision of a City official in the interpretation or the enforcement of the zoning code or any other development regulation.

The burden of establishing that any nonconformity is a legal nonconformity as defined herein shall, in all cases, be upon the owner of such alleged nonconformity and not upon the city. Determination of the nonconforming status of a sign is an administrative function of the City Administrator and/or his / her designee. Property owners asserting existing nonconforming status shall submit such information as

the City Administrator and/or his / her designee deems necessary to substantiate or document the claim to the existing nonconformance. Documentation submitted by the property owner must ascertain the date the nonconformity was established and that it conformed to the applicable development regulations in effect at that time. Documentation may consist of such historical items. Unsubstantiated anecdotal evidence cannot be accepted for the determination of existing nonconforming status.

14.10.130 Variance from sign code

Any person aggrieved by the standards or requirements of this Chapter may seek a variance as provided herein. Any standard or requirement in this Chapter, except prohibited standards or design criteria, shall be subject to the variance standards and processes set forth in LMC Title 18 or 21.

14.10.140 Administrative interpretation

Administrative interpretations of this Chapter shall be made by the City Administrator or his/her designee pursuant to Chapter 21.03 LMC.

14.10.150 Severability

If any section, subsection, sentence, clause, or phrase of this Chapter is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of constitutionality of the remaining portions of this Chapter.

14.10.160 Compliance and Enforcement

The following penalties and remedies are in addition to the enforcement provisions established in Chapter 21.13 LMC. Any violation of this sign code shall constitute a public nuisance per se.

- A. Compliance with Other Applicable Codes. All signs erected or altered under this Chapter must comply with all applicable federal, state and local regulations relating to signs, including, without limitation, the provisions of the building code. If any provision of this code is found to be in conflict with any provision of any zoning, building, fire, safety or health ordinance or code of the City, the provision which establishes the higher standard shall prevail.
- B. Immediate Removal of Signs. All signs located within public rights-of-way or on public utility poles, traffic sign poles, sidewalks or other public property and private use signs located in the commercial zones except as allowed within this Chapter or signs that present an immediate and serious danger to the public shall be considered a nuisance and may be immediately removed by the City. All signs removed by the City shall be available for recovery by the owner of such sign for a period of two weeks, after which they will be destroyed. The City shall not be responsible for damages or loss during removal or storage of

any signs. Exception: Temporary signs printed on paper or other nondurable material may not be available for recovery by the owner.

- C. All signs located within the City which do not conform to the provisions of this Chapter, except "existing nonconforming signs" as defined in this Chapter are unlawful and shall be removed within 30 days of the ordinance codified in this Chapter.
- D. Any unlawful sign which has not been removed within 15 days after imposition of civil penalty under LMC Title 21 may be removed by the City and the costs charged to the person violating this Chapter. If removal costs have not been paid and the sign reclaimed within 30 days of its removal by the City, the City shall be entitled to file with the county auditor a lien against the real estate on which the sign was located to secure repayment of such costs and expenses of removal by the City. The lien may be foreclosed in the manner provided by Washington law for the foreclosure of labor and material liens. The City may sell or otherwise dispose of the sign so removed and apply the proceeds toward costs of removal. Any proceeds in excess of removal costs shall be paid to the owner of the sign.
- E. Abandoned signs as defined in this Chapter may be removed by the City and the cost of removal shall be paid by the owner of the sign and shall be a lien on the real estate from which the abandoned sign was removed subject to the same provisions for foreclosure of the lien as provided in subsection (D) of this section.
- F. By the act of construction or installation of signs allowed or permitted within public right of way, the recipient of such permit or approval agrees to indemnify, defend, and hold harmless the City of Leavenworth from any claim, action, liability, loss, damage or suit, arising from the issuance of permit and/or allowance of signs within public right of way.
- G. Continued Duty to Correct. Payment of a monetary penalty pursuant to City code does not relieve a person of the duty to correct the violation.
- H. Attorney Fees. In any action brought by the City to enforce this Chapter or in any action brought by any other person in which the City is joined as a party challenging this Chapter, in the event the City is a prevailing party, then the nonprevailing party challenging the provisions of this Chapter or the party against whom this Chapter is enforced in such action shall pay, in addition to the City's costs, all reasonable attorney's fees, costs, and expenses incurred in abating the violation or securing full compliance with this Chapter as well as at any hearing, trial or appeal relating to securing such compliance.

14.10.170 Processing —Signs in Commercial Zone Districts.

- A. The City Administrator or his/her designee shall be responsible for determining compliance of "signs allowed without permit". The signs must be compatible in design with the Old World Bavarian-Alpine theme unless specified herein. In

determining compliance, the City Administrator or his/her designee shall consider the following required provisions:

- a. Compliance with size, location, and number requirements of this chapter;
 - b. The use of approved Old World Bavarian lettering;
 - c. The use of Baroque, Rococo, Classical, or Bavarian folk art elements (may be shape of sign, border, or other elements as determined by the City); and
 - d. The use of approved Old World Bavarian colors as determined by the Design Review Board by Resolution:
- B. Prior to transmittal to the City of Leavenworth Design Review Board, the City Administrator or his/her designee shall prepare a report which verifies that the application is complete and compliant with the applicable sections of the code regarding sign location, dimension, size and other applicable technical standards and specifications outside of Old World Bavarian-Alpine theme.
 - C. The Design Review Board shall be responsible for review and approval, approval with conditions, or denial of all sign permits in the commercial zone districts, except as otherwise provided in this Chapter.
 - D. Each sign permit application shall be filed with the City at least ten days prior to a regular meeting of the Design Review Board to be considered at such meeting.
 - E. In the event the permit application is denied by the Design Review Board, and the applicant alleges an error was made in the decision, the applicant may appeal to the hearing examiner as provided for in Chapter 21.11 LMC. Such appeal is a prerequisite to filing a lawsuit challenging the regulation or the decision of the Design Review Board.
 - F. No sign permit application shall be reviewed by the Design Review Board for a sign which has been erected or otherwise put in use after the effective date of the ordinance codified in this Chapter without a permit having been first obtained, until such sign is removed or the use discontinued pending review.
 - G. Changes in an approved sign size or design shall not be made without first obtaining a new permit. Lettering or verbiage changes which are the same lettering style and color, and changes in location of a previously approved sign may be approved by the City Administrator or his/her designee without obtaining approval of the Design Review Board; however, application materials for an administrative permit approval shall be submitted to the City to approve, approve with conditions, or deny the change and to create a record of this administrative decision. The City may forward the permit to the Design Review Board at its discretion.
 - H. Individual signs in an approved directory or business listing sign may be added, moved, or substituted with signs for new businesses or uses with approval by the City Administrator or his/her designee without obtaining a new

permit; provided, that the sign design, size, letter style and color are identical to the sign being replaced in the business listing sign and the provisions of the original permit are met.

14.10.180 Design Criteria—Signs in Commercial Zone Districts.

- A. For signs requiring a permit, the Design Review Board shall consider the proposed general design, lettering, arrangement, size, texture, materials, colors, lighting, and placement of the proposed sign in relation to other signs and other structures on the premises and contiguous area, in keeping with the intent of this Chapter and the Old World Bavarian-Alpine theme.
- B. All signs permitted within the commercial zoning districts of the City shall conform to the following design criteria, unless otherwise provided for in this Chapter:
 - a. Signs shall be compatible in design and color with the Old World Bavarian-Alpine theme and with the buildings and uses with which they are associated. Signage shall include Baroque, Rococo, Classical, or Bavarian folk art graphics. Sign design shall conform with examples shown in the booklet of photographs entitled "Portfolio of Photographs of Old World Bavarian Architecture and Signs for the City of Leavenworth" referred to in LMC 14.08.100 or as approved by the Design Review Board. This booklet is available for review at no cost at City hall during normal business hours.
 - b. The styles of lettering, as illustrated in the booklet entitled "Sign Lettering Styles for the Bavarian Village of Leavenworth," shall be required unless other Old World Bavarian lettering is approved by the Design Review Board either by resolution or as a specific motion of the board. Block lettering shall be allowed for a drive-through menu board sign only. This booklet is available for review at no cost at City hall during normal business hours.
 - c. Signs illuminated by spotlights or indirect lighting shall be lighted in such a manner that glare from the light source is not visible to pedestrian or vehicular traffic on adjacent public right-of-ways. The lighting of the sign shall be an integral part of the design of the sign and shall be approved by the Design Review Board.
 - d. Signs may only contain graphics, colors, and Old World Bavarian - Alpine lettering styles. Logos of chain or franchised businesses are prohibited on signs, but may be allowed if modified to incorporate graphics, colors, and Old World Bavarian-Alpine lettering styles. Signs may contain and shall not be denied for containing phone numbers and website addresses.

14.10.190 Processing and Design Criteria — All Non-commercial Zone Districts

- A. The City Administrator or his/her designee shall be responsible for review and approval, approval with conditions, or denial of all sign permits in the non-commercial zone districts, except as otherwise provided in this Chapter.
- B. Each sign permit application shall be filed with the City and processed in accordance with the requirements of LMC 21.09.030 Limited Administrative Review.
- C. In the event the permit application is denied and the applicant alleges an error was made in the decision, the applicant may appeal to the hearing examiner as provided for in Chapter 21.11 LMC. Such appeal is a pre-requisite to filing a lawsuit challenging the regulation or the decision of the community development department.
- D. No sign permit application shall be reviewed for a sign which has been erected or otherwise put in use after the effective date of the ordinance codified in this Chapter without a permit having been first obtained, until such sign is removed or the use discontinued pending review.

All signs permitted within the non-commercial zone districts of the City shall conform with the following criterion, unless otherwise provided for in this Chapter:

- E. Signs illuminated by spotlights or indirect lighting shall be lighted in such a manner that glare from the light source is not visible to pedestrian or vehicular traffic on adjacent public right-of-ways. The lighting of the sign shall be an integral part of the design of the sign and shall be approved as part of the administrative review process.

14.10.200 Designated Sign Areas

As established by City Council Resolution, the Designated Sign Areas (DSAs) allow for signs which may be off-site as described within Section 14.10.050.

The following standards and requirements shall be required for all signs within the DSA:

1. Permits are not required prior to installation of the sign, however, the sign owner shall write the month/day/year of installation on the sign;
2. No more than one sign per event, sale, and other type of use or expression shall be allowed per Designated Sign Area;
3. Signs may be either sandwich-board (A-frame) style, hanging signs, or post-mounted;
4. Sign area is limited to five (5) square feet per side of the sign and each sign is limited to two sides;
5. The signs shall be made of plastic, wood, metal, or paper;
6. Such signs are exempt from compliance with the Old World Bavarian-Alpine theme;
7. The top of the signs and mounting structure shall not exceed four feet in height, unless attached to a City-installed sign post or Community Bulletin Board;

8. The signs shall be removed within twenty four (24) hours of the end of the event which they are advertising and may be installed up to ten (10) days in advance of the event except as allowed by 14.10.050. (P). Political free speech signs can be posted for a total of fifteen days;
9. Signs installed pursuant to this section do not have vested status and cannot become permanent installations;
10. The City shall remove signs without notice which are not compliant with this section and this ordinance and also those signs for which their allowed period of posting has expired. The City will store the sign for fourteen (14) calendar days after the day the sign was removed at the City Public Works Maintenance Shop; and
11. Signs which bear or contain statements, words or pictures which are obscene under the prevailing statutes or U.S. Supreme Court decisional law are prohibited.

14.10.210 Definitions

For purposes of this Chapter, the following terms, phrases, words and their derivatives shall be construed as specified in this section:

- A. "Abandoned sign" means any sign and/or sign structure which represents or displays any reference to a business or use which has been discontinued for 90 or more consecutive days or for which no valid business license is in effect in the City. "Abandoned sign" shall also mean any sign remaining in place after a sign has not been maintained for a period of 60 or more consecutive days after notification of such by the City.
- B. "Area" or "sign area" means, for regularly shaped signs, the simple area of the sign. For irregularly shaped signs, the area shall be that of the rectangle, triangle or circle (whichever is smaller), or logical outer boundary of a polygon which will wholly contain the sign; provided that the outer boundary of the polygon does not protrude beyond the sign as determined by the City Administrator, or his / her designee. The structure supporting a sign shall not be included in determining the area of the sign unless the structure is designed in a way to form an integral background for the display. In the case of a wall mural incorporating commercial wording, the sign area includes only the portion of the mural which contains the wording circumscribed as set forth in this definition. In the case of double sided signs, erected in a manner so that the display surfaces are placed directly back to back to one another, the area of one side is that which is used to calculate the allowed area of a sign, provided the surfaces are identical in size, color and design. In the case of business listing signs, each business sign area shall be calculated separately, and compiled for a total area excluding clearly defined spacing and/or gaps.
- C. "Balloon" means a flexible bag designed to be inflated with hot air or with a gas, and a bag shaped like a figure or object when inflated.

- D. "Building face" means the outer surface of any building which is visible from any private or public street, highway or alley. For the purposes of building wall calculations, where multiple walls differ in outer edge plane, the secondary planes, corners, and/or angles shall be incorporated into the primary building elevation, and shall not be calculated independently, or as a secondary building elevation.
- E. "Commercial" means any activity carried on for a financial gain or a business endeavor.
- F. "Community service event" or "civic event" means an event (e.g., festival, parking, fun run and/or meeting) sponsored by or for the benefit of a nonprofit organization.
- G. "Design review board" means the board created by Ordinance 983 (Chapter 2.38 LMC), as amended.
- H. "Eave line" means the juncture of the roof and the perimeter wall of the structure.
- I. "Erect" means to build, construct, attach, place, affix, raise, assemble, create, paint, draw or in any other way bring into being or establish.
- J. "Height" (of a freestanding sign) means the vertical distance measured from the highest point of the sign structure to the grade of the adjacent street or the surface grade at any point beneath the sign, whichever provides the lowest elevation.
- K. "Maintained" means not broken, torn or ripped, securely attached or affixed to the supporting structure, clean in appearance, without chipped, faded or peeling paint, or otherwise in a condition a reasonable person would deem in "good condition."
- L. "Maintenance" means the cleaning, painting and minor repair of a sign or any support for or attachment of a sign in a manner that does not alter the basic design, size, color or structure of the sign.
- M. "Non-profit organization" means an organization licenses by the State of Washington pursuant to Title 24 of the Revised Code of Washington.
- N. "Sign" means a communication device, structure, or fixture which incorporates graphics, symbols, or written copy that is intended to promote the sale of a product, commodity or service, or provide direction or identification for a premises, business, or facility. "Sign" does not include actual unpriced stock in trade on display and available for sale. "Sign" includes all structural members and, without limitation, the following types of signs:
1. "Banner sign" means any sign intended to be hung, with or without framing, and possessing characters, letters, illustrations or ornamentations applied to fabric or any nonrigid material, such as paper. Flags, governmental insignias, awning signs, and temporary signs, treated elsewhere in this Chapter, shall not be considered banner signs.

2. "Bench sign" means a sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way. A bench sign does not include those components of a bench which are commemorative or information plaques, not used for commercial purposes.
3. "Billboard signs" means a freestanding sign without the on-site business name and information and/or off-site advertisement.
4. "Business listing sign" means a sign in which the names of the occupants of a building are given and displayed in columns and/or rows.
5. "Commemorative plaque" means a memorial plaque or plate, with engraved or case lettering, which is permanently affixed to or near the structure or object it is intended to commemorate.
6. "Community bulletin board" or "kiosk" means a freestanding structure or wall structure which includes a surface intended for the posting of messages, for example, announce events, sales, or provide information. Such structure shall only be established by the City of Leavenworth.
7. "Construction sign" means any sign giving the name or names of principal contractors, architects and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.
8. "Directional sign" means a sign giving directions, instructions or facility information (e.g., parking, exit or entrance signs).
9. "Directory sign" means a sign on which the names and locations of occupants or the use or uses of a building are listed on a building diagram attached to the wall of the building.
10. "Drive-through menu board sign" means a freestanding or wall sign used for establishments to display their menu items and prices. The establishment shall have and maintain provision for automotive drive-through customers in order to be eligible for a drive-through menu board sign.
11. "Existing nonconforming sign" means any sign located within the City limits on the date of adoption or amendment of the ordinance codified in this Chapter, which does not conform with the provisions of this Chapter, as amended, but which did conform to all applicable laws in effect on the date the sign was erected. Existing nonconforming signs shall not include temporary signs.
12. "Freestanding sign" means a sign, not attached to any building or similar type of structure, which is securely and permanently attached to the ground.
13. "Illuminated sign" means any sign internally illuminated, in any manner, by an artificial light source, including all signs lit with neon tubes, either directly or indirectly. Such illuminated signs include, but are not limited to: television screens, monitors (computer or otherwise sourced), back-lit

canopies, internally illuminated channel letters, acrylic formed faces and other types of directly or indirectly illuminated signs.

14. "Incidental sign" means a sign, emblem, or decal informing the public of the property address, business hours, facilities or services available on the premises (e.g., open/closed signs, restroom signs and bank card signs).
15. "Integral sign" means any memorial sign, tablet, name or date of erection of a building when cut into any masonry surface or when constructed of bronze or other incombustible material mounted on the face of a building.
16. "Logo sign" means a sign bearing characters, letters, symbols, or characteristic design which, through trademark status or consistent usage, has become the customary identification for a business.
17. "Menu" sign or "Menu board sign" means a sign displaying the food products and prices provided by the eating and drinking establishment.
18. "Noncommercial sign" means a sign that bears only property address numbers, postal box numbers or names of occupants of premises.
19. "Off-site sign" means a sign which directs attention to a business, profession, product, activity or service which is not conducted, sold or offered on the premises or at the location where the sign is located.
20. "Political election sign" means a temporary 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 in connection with local, state or national election or referendum.
21. "Political free speech sign" means a temporary sign expressing an opinion on a public, social, or ballot issue.
22. "Portable sign" means any mobile, movable sign or sign structure, such as a sandwich-board sign ("A" – Frame sign), which is not securely attached to the ground or any other structure.
23. "Private use sign" means a temporary sign announcing an event, use or condition of personal concern, nonbusiness in nature, including, without limitation, "garage sale" or "lost animal" signs.
24. "Projecting sign" means any sign affixed to any building or wall, the leading edge of which extends beyond such building or wall.
25. "Real estate sign" means any sign which is used to offer property for sale, lease or rent.
26. "Residential development sign" means a sign identifying a recognized subdivision, condominium complex or residential development.
27. "Roof sign" means any sign erected or constructed wholly upon and over the roof of any building or structure; provided, however, that a sign on the surface of a canopy shall be regarded as a projecting or wall sign.

28. "Special event sign" means individual temporary booth, tent, or vendor sign allowed for a special event or festival.
29. "Temporary community service event sign" means a sign for the purpose of "Community service event" or "civic event".
30. "Temporary sign" means a sign not constructed or intended for long-term use. For the purposes of this definition, a temporary sign may not be in place greater than 24-hours, unless specifically allowed a greater duration by this Chapter. Temporary signs installed pursuant to this Title do not have vested status and cannot become permanent installations.
31. "Trailer sign" means any sign mounted, painted, or attached through some other method on a vehicle normally licensed by the state as a trailer and used for advertising or promotional purposes.
32. "Vehicle signs" means advertisement or graphics intended to advertise business affixed to a vehicle.
33. "Wall sign" means any sign painted on or attached to and erected and confined within the limits of the outside wall of any building and supported by such wall or building and which displays only one advertising surface. Awning, and canopy, and window (for the purposes of this definition, the window area is not calculated for temporary "sale" and "special product announcements" signs) signs are considered wall signs for the purposes of this definition. In addition, single-sided signs located parallel to the building wall, in the same building elevation, and separated from the wall are considered wall signs for the purposes of this definition.
34. "Warning sign" means any sign which is intended to warn persons of danger or prohibited activities such as "no trespassing," "no hunting," "flammable," and "no dumping."
35. "Window sign" means any sign placed upon the interior or exterior surface of a window or placed inside the structure and oriented so as to be readable or readily recognized on the adjacent street or sidewalk. For the purposes of this definition, a window sign is a part of the building wall or elevation unless a temporary "sale" and "special product announcements" sign.