

## Chapter 14.10

### SIGNS \*

#### Sections:

14.10.010	Purpose
14.10.020	Definitions
14.10.030	Scope
14.10.040	Permit required
14.10.050	Permit applications
14.10.060	Design review requirements
14.10.070	Exempt signs
14.10.080	Prohibited signs
14.10.090	Location and number requirements
14.10.100	Allowable area of signs
14.10.110	Sign height and projection requirements
14.10.120	Structural requirements and sign maintenance
14.10.130	Application fees
14.10.140	Existing nonconforming signs
14.10.150	Variance from sign code
14.10.160	Compliance and enforcement

\* Prior ordinance history: Ord. 729, as amended by Ords. 764, 777, 873, 956, 966, 969, 977, 982, 983, 1002, 1004, 1032, 1058 and 1061.

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 or general welfare. 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 so heavily depends. Signs complementing the Old World Bavarian Alpine theme, as provided for in this chapter, will form a key part of the overall visual attractiveness of the city, and thereby contribute both to the aesthetic and economic wellbeing of Leavenworth. Any violation of this sign code shall constitute a public nuisance per se. (Ord. 1125 §2 (part), 2000)

14.10.020 DEFINITIONS For purposes of this chapter, the following terms, phrases, words and their derivatives shall be construed as specified in this section:  
"Abandoned sign" means any sign which represents or displays any reference to a

business or use which has been discontinued for ninety 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 sixty or more consecutive days after notification of such by the city.

“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) which will wholly contain the sign. 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.

“Building face” means the outer surface of any building which is visible from any private or public street, highway or alley.

“Commercial” means any activity carried on for a financial gain.

“Community service event” or “civic event” means an event (e.g., festival, parking, fun run and/or meeting) sponsored by a private or public organization, including a school, church or civic fraternal organization.

“Design review board” means the board created by Ordinance 983, as amended.

“Eave line” means the juncture of the roof and the perimeter wall of the structure.

“Erect” means to build, construct, attach, place, affix, raise, assemble, create, paint, draw or in any other way bring into being or establish.

“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.

“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.”

“Maintenance” means the cleaning, painting and minor repair of a sign in a manner that does not alter the basic design, size, color or structure of the sign.

“Semipublic body” means any organization operating as a nonprofit activity and serving a public purpose or service and includes, without limitation, such organizations as noncommercial clubs, lodges, theater groups, recreational and neighborhood associations, cultural activities and schools.

“Sign” means any letters, figures, design, symbol, trademark or device, including artificial representations of stock in trade, intended or used to attract attention to any activity, service, place, subject, person, firm, corporation or business. “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 non-rigid material. Flags, governmental insignias, awning signs, posters 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.
3. “Business listing sign” means a sign in which the names of the occupants of a building are given. Business listing signs shall incorporate consistent lettering style, and the

individual signs comprising a business listing sign shall be uniform or consistent in size, shape and design.

4. "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.
5. "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.
6. "Directional sign" means a sign giving directions, instructions or facility information (e.g., parking, exit or entrance signs) and which may contain the name or logo of an establishment for identification purposes only.
7. "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.
8. "Drive-through menu board sign" means a freestanding or wall sign used for restaurant establishments to display their menu items and prices. The restaurant shall have and maintain provision for automotive drive-through customers in order to be eligible for a drive-through menu board sign.
9. "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.
10. "Freestanding sign" means a sign, not attached to any building or structure, which is securely and permanently attached to the ground.
11. "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. Other types of indirectly illuminated signs are not included in this definition.
12. "Incidental sign" means a sign, emblem, or decal informing the public of business hours, facilities or services available on the premises (e.g., open/closed signs, restroom signs and bank card signs)
13. "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.
14. "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.
15. "Noncommercial sign" means a sign that bears only property address numbers, postal box numbers or names of occupants of premises.
16. "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 where the sign is located.
17. "Political 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.
18. "Portable sign" means any mobile, movable sign or sign structure, such as a sandwich-board sign, which is not securely attached to the ground or any other structure.

19. "Private use sign" means a temporary sign announcing an event, use or condition of personal concern, non-business in nature, including, without limitation, "garage sale" or "lost animal" signs.
20. "Projecting sign" means any sign affixed to any building or wall, the leading edge of which extends beyond such building or wall.
21. "Real estate sign" means any sign which is used to offer property for sale, lease or rent.
22. "Residential development sign" means a sign identifying a recognized subdivision, condominium complex or residential development.
23. "Roof sign" means any sign erected or constructed wholly upon and over the roof of any building and supported on the roof structure; provided, however, that a sign located on a roof of a canopy shall be regarded as a projecting or freestanding sign.
24. "Special event sign" means a sign allowed for a city approved special event.
25. "Temporary sign" means a sign not constructed or intended for long-term use.
26. "Trailer sign" means any sign mounted on a vehicle normally licensed by the state as a trailer and used for advertising or promotional purposes.
27. "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 signs are considered wall signs for the purposes of this definition.
28. "Warning sign" means any sign which is intended to warn persons of danger or prohibited activities such as "no trespassing," "no hunting," and "no dumping."
29. "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. (Ord. 1125 §2 (part) , 2000)

14.10.030 SCOPE This chapter applies within Leavenworth city limits 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. (Ord. 1125 §2(part), 2000).

14.10.040 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 unless such sign is expressly exempted. (Ord. 1125 §2(part), 2000).

#### 14.10.050 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.
- B. The application for a sign permit shall be accompanied by the following plans and other information:
  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 structure;
  3. A statement of valuation of the sign;

4. A drawing shall be submitted along with the sign permit application. This drawing shall be on paper capable of being folded for storage in a nine-inch-by-fourteen-inch file, and 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 mounting structures and devices,
  - b. An accurately scaled drawing of all building faces to be signed, including the scaled outlines of all existing and proposed signs, in the case of wall and projecting signs,
  - c. An accurately scaled site plan showing the location of building(s), street(s) and sign(s) in the case of freestanding signs, and
  - d. The name of the proposed lettering style along with a detailed illustration of the proposed style.
- C. The design review board shall approve or deny the permit. Each sign permit application shall be filed with the design review board at least seven days prior to a regular meeting to be considered at such meeting.
- D. 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 Leavenworth Municipal Code Chapter 21.11.
- E. 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.
- F. Changes in an approved sign size or design shall not be made without first obtaining a new permit. Minor lettering or color changes and changes in the location of a previously approved sign may be approved by the ordinance administrator without obtaining a new permit.
- G. 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 ordinance administrator without obtaining a new permit, provided that the design is consistent and the provisions of the original permit are met. Ord. 1125 §2(part), 2000).

14.10.060 DESIGN REVIEW REQUIREMENTS Applications for signs shall be reviewed by the design review board, which shall consider the proposed general design, lettering, arrangement, size, texture, materials, colors, lighting, placement and appropriateness 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. All signs permitted within the commercial zoning districts of the city shall conform with the following design criteria, unless otherwise provided for in this chapter:

- A. Signs must be compatible in design and color with the Old World Bavarian Alpine theme and with the buildings with which they are associated. Signage shall include Baroque, Rococo, Classical, or Bavarian folk art elements. 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 section 14.08.100 of this code.
- B. The following 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: Gothic hand (Old English), Fraktur 1, Blackletter, Clairvaux, Kunstler, San Marco, Black Chancery, Fraktur 2, Textura, Valiant, Parchment (not to be used as all capitals), Frank Normal, or Vivaldi Italic. Block lettering shall be allowed for a drive-thru menu board sign.

- C. Projecting and freestanding signs must be in harmony with the size and scale of the building or property on which they are to be located.
- D. 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. 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.
- E. Logo signs shall meet all design review criteria.
- F. Freestanding and projecting signs may contain only Bavarian text and artwork as approved by the design review board. It is the intent of this section to prohibit, on freestanding and projecting signs, logos of chain or franchised businesses. (Ord. 1156 §1, 2001; Ord. 1125 §2(part), 2000).

14.10.070 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 section are met, and the signs are maintained:

- A. Noncommercial signs shall only be large enough to effectively serve the purpose required;
- B. Menu signs, provided that the menu displayed is the same as that given to the customers, the signs are utilized only for food service establishments and the signs are limited to two signs with a total maximum area of six square feet. Exceptions to the total allowable area for existing menu signs may be made by the design review board;
- C. Flags and insignia of any government displayed in an approved manner;
- D. Signs of a public body, noncommercial in nature, including, without limitation, public transit service signs, public utility information signs, traffic control signs and all signs erected by a public officer in the performance of a public duty;
- E. Signs of a semipublic body, noncommercial in nature, including, without limitation, community service informational signs, provided, however, that such signs shall meet the location, size and structural requirements of this chapter;
- F. Directional signs, provided that such signs shall not exceed two square feet in area or four feet in height;
- G. Commemorative plaques and integral signs not exceeding three square feet in area;
- H. Construction signs, provided that there is only one such sign per street frontage of a building, and provided that the area of each sign shall not exceed sixteen square feet in a residential district and thirty-two square feet in other zoning districts and that all such signs shall be removed within thirty days of completion or occupancy of the building, whichever comes first;
- I. Real estate signs, provided that there is only one such sign per street frontage and that the area of the sign shall not exceed six square feet in area, excluding wrought-iron work and post;
- J. Political signs, provided that:
  - 1. Area of individual signs shall not exceed four square feet,

2. Such signs shall not be placed within any public right-of-way,
  3. Such signs shall not be placed in the central commercial zoning district, and
  4. All such signs shall be removed no later than one week after the election;
- K. Community bulletin board signs, provided that only one such sign per block shall be allowed, that the bulletin board contains no direct advertising of products or services offered on the premises, and that the total allowable ratio of sign area, including the bulletin board, to building front face, shall not be exceeded by more than twenty four square feet;
- L. Temporary signs, provided that such signs must be securely affixed to the surface of a building wall or window, must have the date of initial posting clearly written on the face of the sign; and must be neat, finished, and professional in appearance. A sampling of such signs is included in the booklet of photographs entitled "Portfolio of Photographs of Old World Bavarian Architecture and Signs for the City of Leavenworth" that is referred to in Section 14.08.100 of this code. All temporary signs shall be approved by the city before being posted. Temporary signage identifying the name of the business must be removed no later than thirty days after initial posting, unless otherwise extended by the design review board. All other temporary signs, including but not limited to sale signs and special product announcements, must be removed no later than ten days after initial posting. Temporary signage, except for temporary community service and nonprofit organization fund raising signs, must not exceed a total of two square feet per business, and shall not be allowed more than three times per calendar year;
- M. Incidental signs, provided that such signs are erected in accordance with the location requirements of this chapter, and all such signs shall not exceed a total of two square feet. Only the standard open/closed and business hours signs, designed by the design review board, and produced for distribution to all businesses, may be made of a synthetic or plastic material;
- N. Real estate "open house" signs provided that:
1. The signage shall not be allowed in the central commercial zone,
  2. "Open house" signs shall not be placed within any public right-of-way,
  3. The sign shall be either sandwich-board style, a hanging sign in a black metal "A" frame, where the sign hangs from the top of the "A" frame, or a panel sign in a black metal frame,
  4. The sign shall be no greater than five square feet per side of sign,
  5. The sign shall have a white background and contain one of the following color choices for lettering and direction arrow: red, green or blue,
  6. The wording shall be limited to "open house," in a lettering style illustrated in "Sign Lettering Styles for the Bavarian Village of Leavenworth." Symbols shall be limited to one direction arrow per side of sign. The lower corner of the sign shall contain the owner's phone number or a real estate company's name, not to exceed one—half inch in height and five inches in length,
  7. The signs shall not be displayed in any manner prior to ten a.m. and must be removed by five p.m.,
  8. The generic sign shall be the only "open house" sign allowed off-site. The real estate companies' traditional "for sale" sign shall only be allowed on the parcel being listed for sale,
  9. The generic "open house" sign shall only be used for advertising to sell a

house, land, condominiums, duplexes and manufactured homes. The signs shall not be used to advertise for overnight accommodations or similar misuse, and

10. No more than one generic “open house” sign shall be allowed per corner lot;
- O. “Special event sign,” provided that only one sign shall be allowed on any booth, tent, awning and/or concession area advertising their activity or business. Each sign shall meet the following standards:
1. The sign must be attached to the booth, tent, awning and/or concession area. No sandwich type style or freestanding signs shall be allowed,
  2. No internal, indirect or backlit illumination of any kind shall be allowed,
  3. All signs must be made of wood,
  4. No sign shall exceed four square feet in area,
  5. The lettering on the sign must be one of the approved lettering styles found in this chapter,
  6. Signs may only be stained in muted earth tone colors. No painting of signs shall be allowed; except, lettering colors shall be limited to only one of the following: navy blue, white, black or forest green (a dark green), and
  7. The sign shall be removed at the end of the event;
- P. Residential development signs, provided that the sign height does not exceed six feet, the sign is freestanding, and the sign area shall not exceed eighteen square feet;
- Q. Temporary community service event signs, provided the signs are installed no more than two weeks prior to the start of said event, the signs are removed no more than two days after the end of the event and also provided that the area of the sign shall not exceed thirty-two square feet in area. Such sign may be made of any material, and may be portable, but shall be professional in appearance and shall be immediately removed if not maintained. The allowed area of this sign is in addition to any other allowed sign area;
- R. Warning signs, provided that the area of the sign does not exceed one square foot in area and not more than one sign is placed per fifty feet of property frontage;
- S. Private use signs, provided the signs are no more than two square feet in area, the signs are located in a residential district or on city installed private use sign posts. Private use signs shall not be posted on any utility post, traffic post or street light post. Private use signs shall be removed the day the event or special condition ends;
- T. Signs located on the property of a residence, provided the sign is noncommercial in nature;
- U. Illuminated window signs, other than neon signs, placed more than fifteen feet back from the interior window surface or no less than one-half the building depth, whichever is less;
- V. Non-illuminated window signs placed more than three feet back from the interior window surface;
- W. Neon signs placed within a structure and not oriented so as to be readable or readily recognizable on the adjacent street or sidewalk; and
- X. Real estate companies may show photos of listings in windows visible from the outside provided the display does not cover more than one-third of the window space. (Ord. 1156 §2, 2001: Ord. 1125 §2(part), 2000).

14.10.080 PROHIBITED SIGNS Unless specifically exempted in this chapter, it is unlawful to erect or maintain:

- A. Any sign, including logo signs, which are not compatible in design and color with the Old World Bavarian Alpine theme;
- B. Off-site signs;
- C. Signs which have moving parts, or are designed to be moved in any way by the wind;
- D. Portable signs, including, without limitation, trailer signs and sandwich-board signs;
- E. Banner signs, pennants on a rope, balloons and streamers;
- F. Neon signs, illuminated signs, signs with flashing lights, and flashing lights;
- G. Bench signs;
- H. Roof signs which are located on, project or extend above the eave or parapet line of a main portion of the building; and
- I. Signs which are plastic or plastic in appearance. (Ord. 1125 §2(part), 2000).

14.10.090 LOCATION AND NUMBER REQUIREMENTS All signs shall conform with the following sign location and number requirements, unless otherwise provided for in this chapter:

- A. Wall signs shall not be located on more than two sides of any building, unless the building contains individual businesses with separate entrances on more than two streets (alleys included), in which case signs may be located on as many sides as there are separate businesses.
- B. One projecting sign shall be allowed per business per building. 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. Buildings allowed a highway-sized projecting sign are limited to only one highway-sized projecting sign.
  - 1. Exception: Not more than twelve projecting signs may be allowed on one building face on street frontage, provided that each projecting sign is two square feet or less in size, only one side of the building has projecting signs, the signs are evenly spaced, and the building face is greater than or equal to one hundred feet long. Such projecting signs shall be included in the total sign area allowed per that building face but shall not exceed fifty percent of the area allowed for wall signage.
- C. Buildings without highway or Front Street frontage which are located less than ten feet from the front or side property lines may not have a freestanding sign.
- D. Buildings with highway or Front Street frontage and buildings without highway or Front Street frontages which are located more than ten feet behind the front or side property line, may have a single freestanding sign. Any such freestanding sign shall be entirely within the yard area, shall not obstruct public walkways, and shall not be placed 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 all the following conditions are met:
  - 1. There shall be at least a total of two hundred thirty linear feet of frontage on two streets (alleys not included);
  - 2. There must be a vehicle ingress for each freestanding sign, per street frontage;
  - 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; and

4. Freestanding signs located off of any street other than a highway shall only be allowed to be six square feet in area.
- E. Buildings allowed a freestanding sign may also have a projecting sign, provided that the area and projection of such sign is limited to that of a non-highway located projecting sign.
- F. For buildings with a restaurant establishment with drive-through provisions and a main floor area of over one thousand 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.
- G. 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, structure or other item with which they are associated but shall not exceed six square feet. Except for the open/closed sign allowed in this chapter, no other signs for transient businesses shall be exempted.
- H. One non-illuminated freestanding, projecting or wall sign shall be allowed for businesses in the residential zones.
- I. One directory sign shall be allowed per building for a building containing more than one business. (Ord. 1125 §2(part), 2000).

14.10.100 ALLOWABLE AREA OF SIGNS All signs within the city shall conform with the following area requirements, unless otherwise provided for in this chapter:

- A. Wall Signs. 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 ten square feet, when approved by the design review board in the design review process, shall not be included in the allowable sign area.
- B. Business Listing Signs. The maximum sign area limit for wall signs may be exceeded for buildings utilizing business listing signs as the primary means of identification, provided that the design review board finds the overall design compatible with the style and design of the building. In all cases, wall business listing signs shall not exceed two square feet per business or use.
- C. Projecting Signs, Non-highway Location. The total area of all non-highway projecting signs shall not exceed five square feet for an individual business or use. This area is in addition to that allowed in subsection A of this section. Wrought iron work around or supporting the sign need not be included in the sign area.
- D. Freestanding Signs, Non-highway Location. The maximum sign area for permitted freestanding signs shall be six square feet for buildings with a main floor area of over one thousand square feet.
- E. Projecting and Freestanding Business Listing Signs. The maximum sign area limit for projecting and freestanding business listing signs shall not exceed two square feet for each business or use, provided that all projecting and clearance standards can be met.
- F. Projecting and Freestanding Signs, Highway Location. The maximum sign area for

- permitted freestanding or projecting highway signs shall not exceed fifty square feet.
- G. Drive-through menu board signs shall not exceed thirty square feet in area. This sign area is in addition to that allowed in other sections of this chapter.
  - H. Signs for businesses in residential zones shall not exceed four square feet in area.
  - I. Directory Signs. The allowable area for a directory sign shall not exceed two square feet per business or a maximum of eight square feet. (Ord. 1125 §2(part), 2000)

14.10.110 SIGN HEIGHT AND PROJECTION REQUIREMENTS All signs permitted within the city shall conform with the following height and projection requirements, unless otherwise provided for in this chapter:

- A. Projecting Signs, Non-highway Location. Such signs shall not extend more than four feet out from the building face, provided that wrought iron work around or supporting such signs shall not extend more than six feet from the building face.
- B. Freestanding Signs, Non-highway Location. Such freestanding signs shall not exceed eight feet in height.
- C. Freestanding Signs, Highway Location. Freestanding highway signs shall not exceed fifteen feet in height.
- D. Drive-Through Menu Board Signs. The height of a drive-through menu board sign shall not exceed six feet.
- E. Freestanding signs for businesses in residential zones shall not exceed four feet in height.
- F. All Signs. Clearance under the lowest point of any sign which projects out over a public walkway shall not be less than eight feet. (Ord. 1125 §2(part), 2000).

14.10.120 STRUCTURAL REQUIREMENTS AND SIGN MAINTENANCE All signs shall conform with the following structural and maintenance requirements:

- A. All permitted signs shall be designed, constructed and erected in conformance with the allowable stresses of the materials used. The design of wood, concrete, steel or aluminum members shall conform with the requirements of Chapters 19, 20, 22 and 23 of the building code. Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in Chapter 14 of the building code.
- B. Plans for projecting signs with an area exceeding twenty square feet in area 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 must repair damaged or deteriorated signs within sixty 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 sixty days shall be considered abandoned signs. (Ord. 1125 §2 (part) , 2000)

14.10.130 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. (Ord. 1125 2(part), 2000).

14.10.140 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 is less than fifty percent of the replacement value of the sign. Signs damaged or altered, in any manner, by more than fifty percent of their replacement value shall be replaced with a sign that meets the requirements of this chapter. All 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. (Ord. 1125 §2 (part), 2000).

14.10.150 VARIANCE FROM SIGN CODE Any standard listed in this chapter, except prohibited standards or design criteria, shall be subject to the variance process set forth in Title 21 or Title 18 of the Leavenworth Municipal Code. (Ord. 1125 §2 (part) , 2000)

14.10.160 COMPLIANCE AND ENFORCEMENT The following penalties and remedies are in addition to the enforcement provisions established in Leavenworth Municipal Code Chapter 21.13.

- 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 right-of-ways or on public utility poles, traffic sign poles, sidewalks or other public property and private use signs located in the commercial zones 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. Recovery of any sign removed by the city shall be subject to payment of an administrative fee to partially cover the city's cost in removing and storing the sign. The city shall not be responsible for damages or loss during removal or storage of any signs. This administrative fee shall be in addition to any other penalty imposed pursuant to city code.
  1. 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, and signs exempt from the permit requirements of this chapter, are unlawful and shall be removed within thirty days of the ordinance codified in this chapter.
- D. Any unlawful sign which has not been removed within fifteen days after imposition of civil penalty under 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 thirty 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 materialman 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. 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.
- G. 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 non-prevailing 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, a reasonable attorney fee at trial and in any appeal thereof. (Ord. 1125 §2(part), 2000).