

Chapter 19.33
SIGNS

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19.33.010 Statement of purpose.

- A. The City Council finds that it is necessary to regulate signs in the City of Lynden to help assure that Lynden is a safe and attractive place in which to live and to do business.
- B. Measures taken in this chapter to achieve this purpose reflect the City Council's consideration of:
 - the vantage points of pedestrians, motorists, cyclists, visitors, residents, and occupants of homes, shops, other buildings; and real property;
 - safety through care in placement, sizing and illumination of signs so as to avoid visual clutter, distraction or obstruction of vision of pedestrians and motorists, or obstruction of rights-of-way;
 - communication between businesses, organizations and the general public;
 - economy for those erecting signs, or maintaining or modifying already-existing signs, through care in specifying style and construction; by reducing the need to replace signs which might become obscured by unnecessarily

- large neighboring signs; by providing adequate time to replace signs which do not comply with the new standards; by protecting property values; and by preserving the community character which attracts visitors and new residents, and sustains business development;
- aesthetic benefits to business districts and the community at large through consistency in style, placement, and scale and harmony of signs with buildings, natural settings and other signs;
 - compatibility of signs with the architectural and historical qualities of Lynden;
 - general public health, safety and welfare; and
 - fair and consistent enforcement of these sign regulations.

C. The people of Lynden are proud of its historic business district, and indicated a desire and a willingness to preserve and protect the historic Dutch theme of this district and expand that theme throughout all commercial areas of the city.

19.33.030 Definitions. For the purpose of this chapter, the following definitions shall apply:

1. "Abandoned sign" means a sign that no longer correctly identifies, exhorts, or advertises any person, business, lessor, lessee owner, product, or activity conducted or available on or off the premises on which such sign is located.
2. "Advertising" means any display of letters, numerals, characters, words, symbols, emblems, illustrations, objects or registered trademarks which serve to call the attention of the public to products, services, businesses, buildings, premises, events, candidates or ballot propositions.
3. "Awning" means a temporary or fixed shelter supported entirely from the exterior wall of a building without other means of support to the ground.
4. "Awning Sign" means any sign erected on or against an awning.
5. "Banner, decorative" means an object made of multi-colored cloth, fabric or similar flexible material which displays abstract or representational forms and which is completely devoid of letters, numbers, words or advertising. Streamers shall not be considered decorative banners.
6. "Banner sign" means any sign intended to be hung, with or without framing, and possessing characters, letters, symbols, emblems, trademarks, illustrations, or ornamentation applied to fabric or similar flexible material. Flags, decorative banners, canopy signs, and temporary signs, treated elsewhere in this chapter, shall not be considered banner signs.
7. "Bench sign" means a sign located on any part of the surface of a bench or seat placed on or visible from a public right-of-way.
8. "Billboard sign" means any outdoor sign containing advertising which is not related to any use or activity on the premises on which the sign is located, but not including directional signs as defined in this chapter
9. "Building, primary" means a fully enclosed and roofed structure, or portion thereof in separate ownership, which houses the primary uses of at least one business, residence or other establishment. Accessory buildings or outbuildings are not included in this definition.

10. "Canopy" means a fixed shelter that may be supported from the exterior wall of a building or from the ground or some combination thereof.
11. "Canopy sign" means any sign erected upon or against a canopy.
12. "Commemorative plaque" means a memorial plaque, sign, plate or tablet which is permanently affixed to or near the structure, object or event it is intended to commemorate and which displays no advertising.
13. "Community event sign" means a sign which announces an event that is listed in the official calendar of events adopted by resolution of the City Council.
14. "Directional sign" means a sign which contains specific directional information and contains no advertising.
15. "Directory sign" means a sign which displays exclusively the names, logos and locations of occupants or uses of a building or complex; which includes, but may not be limited to, signs for office buildings, church directories and signs for malls, arcades, and similar commercial buildings. No advertising other than the name, logo and locations of occupants or uses is included.
16. "Flag" means the officially-recognized symbol of a government jurisdiction displayed on cloth or similar flexible fabric.
17. "Flashing sign" means a sign or a portion thereof which changes light intensity or switches on and off in a repetitive pattern, or uses electrical energy to provide motion or the optical illusion of motion.
18. "Freestanding sign" means a sign which is supported by uprights or braces connected permanently to the ground and which is not connected to a building. (See "Pole sign").
19. "Grade" means the average elevation of the ground surface immediately below the sign after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases in which the grade cannot reasonably be determined, sign height shall be based on the elevation of the nearest point of the crown of a public street or the grade of the land at the main entry to the principal building, whichever is lower.
20. "Grand opening" means the celebration or promotional period beginning on or shortly after the date when a new, permanent business or use is open for business in a permanent, fixed building. Grand opening events must be related to: opening of a new business; a change of business location; construction of a new business structure; major remodeling or expansion valued at \$50,000 or more; change of ownership; or change of name.
21. "Historic Business District" means that area within the City of Lynden, the boundaries of which are described as:
That area which abuts Front Street from Second Street to Eighth Street and extending from Judson Street Alley, to the alley between Front Street and Grover Street.
22. "Illuminated sign" means any sign illuminated in any manner by an artificial light source.
23. "Incidental sign" means a small, non-illuminated information sign two square feet or less in area which pertains to goods, products, services or facilities which are available on the premises where the sign occurs, and intended primarily for the convenience of the public while on such premises.

24. "Indirect lighting" means a light source separated from the sign surface and illuminating the sign surface by means of spotlights or similar fixtures.
25. "Internal lighting" means an indirect, concealed light source which is recessed or contained within any element of a sign.
26. "Main entry" means the entrance from outdoors into a primary building through which most customers or other visitors pass or are expected to pass. Each primary building shall be considered to have no more than one main entry, excepting a multiple-business complex, in which case each physically separate business which has no internal passageway to any other business premises shall be considered to have one main entry.
27. "Marquee" means a permanent structure attached to and supported by the building and projecting over public or private property.
28. "Monument sign" means a ground-related, freestanding sign which is attached to the ground or to its base on grade by a solid sign structure and which structure extends from the ground or base to the sign face at the same or greater width as the sign face.
29. "Multiple-business complex" means a group of structures housing at least two separate businesses or agencies, or a single structure containing more than one business with separating walls and at least one outside access for each business which shares a common lot, access and/or parking facility. An example of a multi-business complex is the Fairway Center.
30. "Multiple-tenant building" means a single structure housing more than one business or agency which may or may not incorporate a separate outside access for each enterprise, but not including residential apartment buildings. An example of a multi-tenant building is Delft Square.
31. "Mural sign" means a wall sign which consists exclusively of paint applied to the wall of a building or alternate surface without application of any other material or framing.
32. "Neon lighting" means lettering, numerals, symbols, logos, emblems or illustrations which are directly visible and are constructed of and illuminated solely by glass tubes filled by neon gas or equivalent light emitting gaseous elements.
33. "Non conforming sign" means any sign in existence within the city on the date of adoption of the ordinance codified in this chapter, or located in an area annexed to the City thereafter, which does not conform with the provisions of this chapter, but which did conform to all applicable laws in effect on the date the sign was originally erected
34. "Off-premises sign" means a sign relating, through its message and content, to an activity, use, product, or service which is not available on the premises on which the sign is erected.
35. "Pole sign" means any freestanding sign composed of a sign cabinet, backboard, frame or base and the sign pole, or pylon by which it connects to the ground.
36. "Political sign" means any sign which serves to influence, is intended to influence, or appears to be of the type which is commonly erected to influence an election or ballot proposition.

37. "Portable sign" means any moveable sign, such as a sandwich board sign, which is capable of being moved easily and is not permanently affixed to the ground or a structure or building.
38. "Premises" means the real property on which the business or other entity advertised by the sign or signs mentioned in this chapter is situated.
39. "Primary Sign" means the main sign for the business and may be either a free-standing sign or a wall sign.
40. "Projecting sign" means a sign which is attached to and projects from a structure, wall or building face further than six (6) inches. For the purposes of this chapter, a projecting sign includes signs affixed under an awning, canopy or marquee.
41. "Reader board" means that portion of a sign on which copy may be easily changed by manual/mechanical means or by lighting effects without reworking, repainting, or otherwise altering the physical composition of the sign.
42. "Real estate sign" means a portable or freestanding sign erected by the owner, or his/her agent, advertising the real estate upon which the sign is located for rent, lease or sale, or one directing to such property.
43. "Revolving sign" means a sign which rotates or turns in motion in a circular pattern.
44. "Roof sign" means a sign erected upon or above a roof of a building or structure.
45. "Sandwich board sign"—See "Portable sign."
46. "Sign" means any object, structure or portion thereof, other than a flag or government symbol, which contains advertising and which is visible from any right-of-way open to the public.
47. "Sign Area" means the entire area of a sign on which the copy is to be placed including only one side of a multi-faced sign, provided that the copy on all sides of the sign is identical. Sign areas shall be calculated by measuring the area of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the advertising copy, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supportive framework, bracing, architectural embellishments or decorative features or fences or walls which contain no written copy or other advertising and when any such fences or walls otherwise meet the requirements of this Title and are clearly incidental to the display itself.
48. "Sign face" means any surface of a sign upon which there is lettering or other advertising.
49. "Sign height" means the vertical distance from grade to the highest point of a sign or any projection thereof.
50. "Sign structure" means any structure which supports or is capable of supporting any sign as defined in this chapter. A sign structure may be a pole or poles, or may be an integral part of a building. Structures which perform a separate use, such as a telephone booth, bus shelter, recycling or used goods container, etc., shall not be considered a sign structure.
51. "Streamer" means an attention-attracting device consisting of two or more pennants, banners, balloons, ribbons, reflectors, fringes or similar objects strung

together on a common line, pole, or sign structure, or attached to one or more products offered for sale.

52. "Street" means a public or private way open to the general public including all classes of roadways excepting alleys and driveways and including major internal circulation corridors within parking lots.
53. "Street frontage" means a side of a building which contains an entrance open for public use and which side also faces an abutting street.
54. "Street frontage, primary" means the lineal length of the street frontage on which the main entry is located; provided that, in the event the main entry is located on a corner of the building or on a side other than a side which abuts a more heavily traveled street, primary street frontage shall be determined as if the main entry were on the side which abuts the more heavily traveled street.
55. "Symbol sign" means a projecting sign consisting exclusively of a symbol, picture or object which represents the specific products or services available on the premises, and which sign does not include any lettering, numerals or registered trademarks.
56. "Temporary sign" means any sign or advertising display constructed of cloth, canvas, light fabric, paper, cardboard, or other light materials, without frames, which is displayed for a limited time only. Residential yard signs and signs painted or adhered on window surfaces which are readily removed by washing shall also be considered temporary signs.
57. "Trailer sign" means a sign used for advertising purposes mounted on a vehicle normally licensed by the state of Washington as a trailer.
58. "Wall sign" means a sign which is attached parallel to, and within six (6) inches of, a wall, which is supported by and confined within the limits of such wall, and which displays only one sign surface.
59. "Window sign" means a sign placed upon the interior or exterior surface of a window, or placed inside the window within three feet of the window, which faces the outside and which is intended to be seen primarily from the exterior.

19.33.040 General provisions. The following provisions shall apply to all zoning districts and to all signs regulated by this chapter, subject however to the specific regulations in each zoning district:

- A. No sign shall be erected, caused to be erected, or allowed to remain erected except in compliance with all the regulations established in this chapter. No owner or lessee of any real property located within the corporate limits of the City of Lynden shall knowingly allow any sign to be erected on any such property in violation of the provisions of this chapter. No person shall take any action intending to, or having the effect of, circumventing the purpose and intent of this chapter.
- B. All permanent signs subject to design review as provided in this chapter must obtain approval of the DRB before a sign permit may be issued. This includes all replacement signs.
- C. Design elements include the following: sandblasting, hand carving, dimensional graphics, glass, stained glass, hardwood, wrought iron, steel brackets, outlining,

lighting, Dutch character or graphics, lettering style, 3 or more colors, murals, gold leaf, tile, frames, shadows, hand lettering, landscaping, character reflective of business. When reviewing signs, the Design Review Board shall consider the relationship of the design elements to one another in the design of the sign.

- D. Safe and Secure Installation. Signs, sign structures and bracing systems shall be designed and constructed to meet all requirements of the Uniform Building Code and the Lynden Municipal Code. All electrified signs shall be designed, installed and inspected in conformance with the National Electrical Code.
- E. Clearance and Sight Distance. Marquees, canopy signs or projecting signs which project over areas where motor trucks may be required to pass beneath them shall maintain a minimum vertical clearance of fifteen feet. No marquee, canopy sign or projecting sign may project closer than two feet from the curb line of the street. All marquees, and canopy signs and projecting signs must maintain a minimum of eight feet of vertical clearance over pedestrian ways. Freestanding and portable signs may not be placed within the clear vision triangle at the intersection of any streets, alleys or driveways. This triangle is defined in Title 17.
- F. Light and Glare from Signs. The light source for signs which are illuminated by indirect lighting shall be no farther away from the sign than the height of the sign and shall be shielded so that direct rays from the light are visible only on the lot where the sign is located and in such a manner that hazardous glare to motorists or pedestrians will not occur.

19.33.050 Residential Districts (All RS and RM zones). In addition to the other applicable provisions of this chapter, the following regulations also apply in each residential zoning district:

- A. Total allowable sign area.
 - 1. Each residential building is allowed one permanent, wall-mounted identification sign per street frontage and one temporary yard sign and each such sign may not exceed four (4) square feet in sign area. No sign permit is required for either sign.
 - 2. Each multifamily complex over five units in size, or subdivision in residential zones is allowed twenty-four (24) square feet of sign area.
Exception: Signs within a Planned Residential Development will be determined by the Development Contract.
 - 3. Home occupations are allowed one wall-mounted sign not to exceed six (6) square feet in sign area which must be unlighted or have indirect lighting.
 - 4. Government buildings, schools and churches are allowed one identification sign not to exceed twenty four (24) square feet, one permanent reader board sign not to exceed sixteen (16) square feet for a total of forty (40) square feet. The reader board must be incorporated in the main sign structure. . No product or company name, product symbol or product slogan may be included in the sign face of any freestanding sign.
- B. Maximum sign height is five (5) feet. For government buildings, schools and churches, the maximum height will be decided through a conditional use permit

approved by the Design Review Board imposing the minimum standards of the CSL zone.

C. Freestanding signs.

1. Permanent freestanding signs must be monument signs or pole signs mounted on two poles placed at the outermost sides of the sign face, and must be approved by the Design Review Board. The Design Review Board may, upon review of the sign design, approve one pole signs.
2. All freestanding signs shall have a landscaped area at the base of the sign at least twice the size of the sign area.
3. Temporary yard signs may be displayed for up to fifteen (15) days and may be mounted on a single pole or stake.

Exceptions:

- a) Garage or rummage sale signs pursuant to Article IV, Special Category Signs.
- b) Real estate and political signs pursuant to Section 19.33.070.
4. Freestanding signs must be setback at least five (5) feet inside property lines.
5. No other pole signs, portable, sandwich board, sidewalk or other freestanding signs are allowed.

D. Off-premises signs are not permitted. Exception: Signs authorized to be erected off-premises pursuant to Section 19.33.90, Special Category Signs and those sandwich board signs approved under Section 19.33.070.

E. Illuminated signs. Only indirect lighting is permitted, except for those signs permitted in section A(4) above.

19.33.055 Historic Business District. In addition to the regulations under Section 19.33.060, the following sign regulations shall apply within the HBD zoning district.

- A. Sign Graphics. It is encouraged that all signs within the HBD contain elements related to the Dutch Theme and/or Dutch wording.
- B. Tour assembly signs. Each business which has been authorized by the city to conduct public tours within the public rights-of-way may, if such business does not have business premises within the historic district, place one portable sandwich board sign on the sidewalk at a location and in a manner approved by the City Planner. The business owner shall also obtain and submit to the City Planner written permission of the owner of the property immediately abutting the location of the proposed sign, and shall also submit proof of liability insurance naming the City of Lynden as an additional insured. The City Administrator shall approve the amount and policy provisions of such liability insurance. The sign area of such sign shall not exceed six (6) square feet per sign face and such sign area shall not be included in the allowable sign area of the abutting property.
- C. Kiosks. The City Planner is hereby authorized to permit erection of kiosks by the City of Lynden or by one or more non-profit community organizations representing a large number of retail businesses. Such kiosks must be shown to provide community bulletin board services of broad public interest. No more than

one such kiosk may be placed within the Historic Business District, or any other commercial district.

- D. Off premise directional signs. One off premise directional sign may be permitted per business within the historical business district. Signs are limited to a maximum of sixteen square feet. These signs shall not be freestanding signs and must be mounted on a building within the historic business district. Only one such sign may be mounted per building side and may not exceed the total sign square footage permitted for the building.
- E. Prohibited signs. In addition to those signs listed as prohibited in Section 19.33.080, off-premises real estate signs and portable readerboards are not permitted in the Historic Business District, except those readerboards associated with a community theater.

19.33.060 Historic Business, Commercial Business and Public Use Districts (HBD, CSL and PU zones). In addition to the other applicable provisions of this chapter, the following regulations also apply in the historic business, commercial services and public use zoning districts:

- A. Total allowable sign area is determined as follows:
 1. One and one half square foot of sign area for each lineal foot of primary street frontage of the primary building. In the event a building is located on a corner lot, an additional three quarter (0.75) square foot per lineal foot of primary street frontage may be included in the total allowable sign area. Businesses with alley frontage may have additional sign square footage based on one square foot per each lineal foot of alley frontage. This sign allowance must be used on the alley front of the building.
 2. Each multiple-business complex is allowed one sign per street frontage as a directory sign. The square footage allowance for each directory sign is equal to thirty-two (32) square feet plus an additional six (6) square feet per business to a maximum of eighty (80) square feet. The width of the sign face may not exceed ten (10) feet. Sign area for each business within a multi-business complex is determined by the frontage each business has on the street or primary customer access, including major internal circulation corridors within parking lots.
 3. Tenant signage in multiple-tenant buildings may not exceed their percentage of building square footage times the total allowable signage square footage. Each multiple-tenant building is allowed one (1) directory sign not to exceed forty-eight (48) square feet. Tenant signs must be mounted below the primary sign and may not be roof mounted.
 4. Twenty (20) square feet for an outdoor business which operates without building.
 5. Government buildings, schools and churches are allowed one identification sign not to exceed thirty-six (36) square feet and one permanent reader board sign not to exceed twenty-four (24) square feet for a total of sixty (60) square feet. The reader board must be incorporated in the main sign structure. . No

product or company name, product symbol or product slogan may be included in the sign face of any freestanding sign.

6. Includes all types of signs on all sides and all stories of the building or premises. Exceptions: parking lot identification signs, symbols, menu boards, commemorative plaques, incidental signs, window sign lettering less than six (6) inches in height, mural signs approved pursuant to subsection 19.33.050(l), motor fuel price signs erected pursuant to subsection (G) below, monument signs erected as a directory sign for a multiple-business complex pursuant to subsection (G) (2) below, service club signs authorized pursuant to Section 19.33.090, and signs listed as exempt in Section 19.33.070 are not included in the determination of allowable sign area.

B. Maximum sign height is as follows:

1. Freestanding signs: seventeen feet, seven feet in the historic business district, but in no event may signs extend higher than the nearby surface of the roof of the building.
2. Canopy signs or signs mounted on a marquee may not extend higher than the highest roof surface of the canopy or marquee, but in no event may extend higher than the nearby roof surface of the building or the cornice line within the historic business district.
3. Five (5) feet for a monument sign of a single-business or multiple-tenant building, and. Five (5) feet plus one foot per each separate business advertised on a monument directory sign of a multiple-business complex to a maximum of seventeen (17) feet.

C. Wall signs

1. Within the total allowable sign area determined in subsection (A), the total area of signs attached to any given wall shall not exceed one hundred fifty (150) square feet.

D. Illuminated signs.

1. All signs may be illuminated by indirect or internal lighting methods. For those signs that are illuminated by an internal lighting source, it is encouraged that the sign face be opaque and only the copy and logos illuminate.

E. Projecting signs are subject to the following additional regulations:

1. No larger than thirty-two (32) square feet per side.
2. May project no more than four (4) feet from the building.
3. Minimum clearance of eight (8) feet must be maintained above the sidewalk and six (6) inches from the vertical wall.
4. Only one projecting sign, including symbol signs, is allowed for each main entry.

F. Permanent window signs.

Permanent window signs shall not have temporary lettering.

G. Freestanding signs in CSL and PU zones.

1. Each single-business or multiple-tenant building shall be allowed one freestanding sign not to exceed a sign area of eighty (80) square feet.

2. Each multiple-business complex is allowed one sign per street frontage for a directory sign. The sign area of such directory sign is not to exceed thirty-two (32) square feet plus six (6) square feet per separate business advertised to a maximum of eighty (80) square feet. Directory signs may not exceed ten feet in width.
3. Monument signs must be set back from property lines a distance of one foot for each one foot of sign height in excess of five (5) feet.
4. Exception: The City Planner is authorized to permit alternate monument sign placement as part of a streetscape improvement project in conformance with any public streetscape improvement plan and planned unit development.
5. Permanent freestanding signs shall have a landscaped area at the base of the sign at least twice the size of the sign area. All required landscaping must be contiguous to the sign; however, it is not required that the sign be centered in the landscaping or that the shape of the landscaped area is consistent with the shape of the sign.
6. No other pole signs, portable, sidewalk or other freestanding signs are allowed, unless expressly authorized herein.
7. All signs must be setback a minimum of five (5) feet from the property line.

H. Freestanding signs within the HBD

1. Monument signs shall be no more than twelve (12) square feet in sign area per side.
2. Pole signs are permitted only if mounted on two poles placed at the outermost sides of the sign face.
3. Sandwich board signs may be placed upon a public or private sidewalk subject to approval of the Design Review Board and the following restrictions and requirements:
 - a) Written permission must be obtained from the owner of the property in front of which the sign is to be placed.
 - b) Signs may be placed near markings separating parking spaces, but not within a crosswalk and not closer than fifteen (15) feet from the intersection of the extension of the curb lines (edge of curbs on the vehicular traffic side) of each intersecting street or from another sandwich board sign.
 - c) Maximum sign area is eight (8) square feet per sign face; maximum sign width is thirty (30) inches; maximum sign height is four (4) feet; minimum sign height is thirty (30) inches. A sign may be higher than four feet in height if the width is less than twenty-four inches for the upper fifteen inches of the sign, and the design is approved by the Design Review Board.
 - d) Signs must be placed no further than three (3) feet from the building line. Exception: Signs may be placed within twelve (12) inches of the curb line wherever parking is prohibited in the adjacent street.
 - e) Signs may not be placed closer than twelve (12) inches from any tree grate or other planting.
 - f) The sign area of each sandwich board sign shall be included in the total allowable sign area calculated pursuant to subsection (A) of this section

for the premises in which the business advertised is located.

Exception: The sign area of four assembly signs erected pursuant to subsection (H) of this section shall not be included in the sign area calculation of any building.

- g) Continuous proof of liability insurance must be provided naming the City of Lynden as additional insured in amount and policy provisions as approved by the Clerk-Treasurer of the City when the sign is placed within the public right-of-way.
 - h) Each sign must be of sound construction and designed to the satisfaction of the Building Official to withstand high winds.
 - i) No more than one sandwich board sign may be erected for each business. Each sandwich board must be within 15 feet of the main entrance of the business or multi-tenant building.
 - j) All sandwich board signs must include at least three design elements from the adopted design criteria and should be of a Dutch character, or be reflective of the business.
- 4. No other pole signs, portable, sandwich board, sidewalk or other freestanding signs are allowed, unless expressly authorized herein.
 - 5. Subdued, indirect lighting of signs is encouraged.
- I. Reader board signs are included in the total square footage calculation and may not exceed 75 percent of the sign area for the sign or thirty (30) square feet, whichever is less. Electronic reader boards are permitted as part of the total allowable square footage for reader boards as noted above
 - J. Exceptions:
 - 1. In addition to the sign area allowed pursuant to subsection (A), above, any business selling motor fuel to the public may have one permanently-mounted motor fuel price sign not to exceed eighteen (18) square feet per sign face. If such sign is incorporated as part of the monument sign allowed pursuant to this section, the allowable height of such monument sign may be increased by four (4) feet.
 - 2. The City Planner is authorized to permit one permanently-mounted reader board sign for community event announcements on premises owned by the city or a non-profit organization under contract with the city. Such sign may not exceed a sign area of fifty (50) square feet per sign face.
 - 3. Portable reader board signs are not permitted.

19.33.063 Regional Commercial Services (CSR), In addition to the other applicable provisions of this chapter, the following regulations also apply in each commercial business and public use zoning district:

- A. Total allowable sign area is determined as follows:
 - 1. Two and one half (2.5) square feet of sign area for each lineal foot of primary street frontage. In the event a building is located on a corner lot, an additional one and one quarter (1.25) square feet per lineal foot of primary street frontage may be included in the total allowable sign area. The maximum size of any one sign cannot exceed one hundred fifty (150) square feet.

2. Each multiple-business complex is allowed one sign per street frontage as a directory sign. The square footage allowance for each directory sign is equal to thirty-two (32) square feet plus an additional six (6) square feet per business to a maximum of eighty (80) square feet. The width of the sign face may not exceed ten (10) feet. Sign area for each business within a multi-business complex is determined by the frontage each business has on the street or primary customer access, including major internal circulation corridors within parking lots, and is subject to the same restrictions as in A. 1. above.
3. Tenant signage in a multiple-tenant building cannot exceed their percentage of building square footage times the total allowable signage square footage. Each multiple-tenant building is allowed one (1) directory sign not to exceed forty-eight (48) square feet. Tenant signs must be mounted below the primary sign if a primary sign is present and may not be roof mounted.
4. Twenty (20) square feet for an outdoor business which operates without a building.
5. Government buildings, schools and churches are allowed one identification sign not to exceed thirty-six (36) square feet and one permanent reader board sign not to exceed twenty-four (24) square feet for a total of sixty (60) square feet. The reader board must be incorporated in the main sign structure. . No product or company name, product symbol or product slogan may be included in the sign face of any freestanding sign.
6. Includes all types of signs on all sides and all stories of the building or premises. Exceptions: parking lot identification signs, symbol signs, menu board signs, commemorative plaques, incidental signs, window sign lettering less than six (6) inches in height, , mural signs approved pursuant to subsection 19.33.050(l), motor fuel price signs erected pursuant to subsection (l) below, monument signs erected as a directory sign for a multiple-business complex pursuant to subsection (F) (2) below, service club signs authorized pursuant to Section 19.33.090, and signs listed as exempt in Section 19.33.070 are not included in the determination of allowable sign area.

B. Maximum sign height is as follows:

1. Signs are limited to twenty-five (25) feet in height. If the sign is located at least one hundred (100) feet, but no more than three hundred (300) feet, from the right-of-way of a state highway, the sign may be thirty-five (35) feet in height.
2. Canopy signs or signs mounted on a marquee may not extend higher than the highest roof surface of the canopy or marquee. Roof signs are not allowed.
3. Five (5) feet for a monument sign of a single-business or multiple-tenant building.
4. Five (5) feet plus one foot per each separate business advertised on a monument directory sign of a multiple-business complex to a maximum of seventeen (17) feet.

C. Wall signs

1. Within the total allowable sign area determined in subsection (A), the total area of signs attached to any given wall shall not exceed one hundred fifty (150) square feet.

D. Projecting signs are subject to the following additional regulations:

1. Not larger than thirty two (32) square feet per side.
2. May project no more than four (4) feet from the building.
3. Minimum clearance of eight (8) feet must be maintained above the sidewalk and six (6) inches from the vertical wall.
4. Only one projecting sign, including symbol signs, is allowed for each main entry.

E. Permanent Window signs.

Permanent window signs shall not have temporary lettering.

F. Freestanding signs.

1. Each single-business or multi-tenant building shall be allowed a maximum of one (1) sign per sixty (60) feet of frontage. Minimum distance between signs is sixty (60) feet. Freestanding signs are not to exceed one hundred fifty (150) square feet. If more than one freestanding sign is requested, the maximum sign size is one hundred (100) square feet and each of the signs must be of equal size and shape. The total number of signs may not exceed the total square footage allowed in 19.33.063(A) above.
2. Each multiple-business complex is allowed one sign per street frontage for a directory sign. The sign area of such directory sign is not to exceed thirty-two (32) square feet plus six (6) square feet per separate business advertised to a maximum of eighty (80) square feet. Directory signs may not exceed ten feet in width.
3. Monument signs must be set back from property lines a distance of one foot for each one foot of sign height in excess of five (5) feet. Signs must be setback a minimum of five (5) feet.
4. Exception: The City Planner is authorized to permit alternate monument sign placement as part of a streetscape improvement project in conformance with any streetscape improvement plan and planned unit development.
5. Permanent freestanding signs shall have a landscaped area at the base of the sign at least twice the size of the sign area. All required landscaping must be contiguous to the sign; however, it is not required that the sign be centered in the landscaping or that the shape of the landscaped area is consistent with the shape of the sign.
6. No other pole signs, portable, sidewalk or other freestanding signs are allowed, unless expressly authorized herein.
7. All signs must be setback a minimum of five (5) feet from the property line.

G. Reader board signs are included in the total square footage calculation and may not exceed 75 percent of the sign area for the sign or thirty (36) square feet, which ever is less. Electronic reader boards are permitted as part of the total allowable square footage for reader boards as noted above.

I. Exceptions:

1. In addition to the sign area allowed pursuant to subsection (A), above, any business selling motor fuel to the public may have one permanently-mounted motor fuel price sign not to exceed eighteen (18) square feet per sign face. If such sign is incorporated as part of the monument sign allowed pursuant to this section, the allowable height of such monument sign may be increased by four (4) feet.
 2. The City Planner is authorized to permit one permanently-mounted reader board sign for community event announcements on premises owned by the city or a non-profit organization under contract with the city. Such sign may not exceed 25% of the sign face of the permitted sign.
- J. Portable reader board signs are not permitted.

19.33.065 Industrial Districts (ID & IBZ). In addition to the other applicable provisions of this chapter, the following regulations also apply in each industrial zoning district:

- A. Total allowable sign area is determined as follows:
1. One and one half square foot of sign area for each lineal foot of primary street frontage of the primary building. In the event a building is located on a corner lot, sign area equal to one half the allowable sign area for the primary frontage may be included in the total allowable sign area. No one sign may exceed 150 square feet in size
 2. But, each separate business in a multiple-tenant building or industrial park complex shall be allowed at least thirty-two (32) square feet of sign area, but no more than sixty-four (64) square feet.
 3. Each multiple-tenant building is allowed an additional six (6) square feet for a directory sign.
 4. Government buildings, schools and churches are allowed one identification sign not to exceed thirty-six (36) square feet and one permanent reader board sign not to exceed twenty-four (24) square feet for a total of sixty (60) square feet. The reader board must be incorporated in the main sign structure. . No product or company name, product symbol or product slogan may be included in the sign face of any freestanding sign.
 5. Includes all types of signs on all sides and all stories of the building or premises.
 6. Reader board signs are included in the total square footage calculation and may not exceed 75 percent of the sign area for the sign or thirty (36) square feet, which ever is less.

Exceptions: Parking lot identification signs, incidental signs, monument signs, window sign letters less than six (6) inches in height, and signs listed as exempt in Section 19.33.070 are not included in determining allowable sign area.

- B. Maximum sign height is as follows:
1. Five (5) feet for monument signs, plus one foot for each separate business advertised on the sign, but no higher than ten (10) feet.
 2. Seventeen (17) feet for other freestanding signs.
 3. Signs may not extend above the roof line. No roof signs will be permitted.

- C. Projecting signs are subject to the following additional regulations:
1. No larger than thirty-two (32) square feet per side.
 2. May project no more than four (4) feet from the building.
 3. Minimum clearance of eight (8) feet must be maintained above the sidewalk and six (6) inches from the vertical wall.
 4. Only one projecting sign, including symbol signs, is allowed for each main entry.
- D. Window signs may not include temporary lettering.
- E. Freestanding signs.
1. Each single-business or multiple-tenant building shall be allowed one freestanding sign not to exceed a sign area of eighty (80) square feet. Monument signs are encouraged.
 2. Each multiple-business complex is allowed one monument sign per street frontage for a directory sign. The sign area of each such directory sign shall not exceed thirty-two (32) square feet plus six (6) square feet per separate business advertised, but not larger than sixty-four (64) square feet.
 3. Permanent freestanding signs shall have a landscaped area at the base of the sign at least equal to the size of the sign area. All required landscaping must be contiguous to the sign; however, it is not required that the sign be centered in the landscaping or that the shape of the landscaped area is consistent with the shape of the sign.
 4. No other pole signs, portable, sidewalk or other freestanding signs are allowed, unless expressly authorized herein.
 5. All freestanding signs must be setback a minimum of five (5) feet from the property line. Signs must setback from property lines a distance of one foot for each one foot of sign height in excess of five feet.

19.33.070 Exemptions. The following types of signs are allowed in all areas without a sign permit. These exemptions shall not be construed as relieving the owner of any sign for the responsibility of its erection and maintenance, or for compliance with the provisions of this chapter, or any other law or ordinance regulating same.

- A. Fund raising signs pertaining to a specific proposed public construction project or fund raising campaign for a non-profit or religious organization; provided, that only one such sign may be erected by that organization at any one time, the sign area may not exceed thirty-two (32) square feet and each organization is limited to six such signs per year. The sign may be displayed for up to seven (7) days prior to the event and must be removed within twenty-four (24) hours after the conclusion of the event or campaign. Signs for long term fund raising campaigns may be approved by the City Council.
- B. Real estate signs limited to one sign of four and one-half (4.5) square feet maximum area per sign face on each parcel of property offered for sale in residential zones. In other zones, one sign is allowed up to sixteen (16) square feet per sign face on each separate parcel of property offered for sale. Each real estate sign must be removed no later than five (5) business days after closing of sale of the property advertised. Closing of sale shall be considered the date of

recording with the Whatcom County Auditor. Off-premises real estate signs are not permitted.

Exception:

- a) Off-premises real estate signs are not allowed under any circumstances in the historic district.
 - b) Real estate signs are not permitted within any public right-of-way.
 - c) Real estate signs advertising an open-house may be placed off-premises if:
 - i. placed on private property with owner's permission;
 - ii. signs are no larger than three (3) square feet per sign face; and
 - iii. displayed for no longer than four (4) consecutive days.
 - iv. Two open house directional signs for each such open house may be placed in the unpaved portion of the street right-of-way, but only during daylight hours and only when seller or agent is in attendance of property for sale. No such sign shall be placed in such a way as to block the sidewalk.
- C. On-premises or on-vehicle incidental signs not exceeding two (2) square feet each. This does not apply to licensed vehicles used for daily service.
- D. On-premises directional signs not exceeding six (6) square feet, the sole purpose of which is to provide for vehicular and pedestrian traffic direction and which display no advertising. (See 19.33.080)
- E. Political signs erected on private property up to four and one-half (4.5) square feet per sign face in residential zones and sixteen (16) square feet per sign face in other zones and must be removed within ten (10) days after the final election involving the candidate or ballot proposition advertised by the sign.;
- F. Temporary construction signs limited to a total sign area of thirty-two (32) square feet per construction site, displayed no longer than one year and removed no later than ten (10) days after completion or occupancy of the project.
- G. Traffic, directional or informational signs lawfully installed, or required to be installed, by a government entity; provided that, in the even of any conflict between the provisions of this chapter and the provisions of any applicable state law, the provisions of this chapter shall govern unless expressly preempted by the laws of the State of Washington.
- H. Signs not intended to be viewed from, and which are not readable from, a public right-of-way.
- I. Window merchandise displays.
- J. Flags of the United States, the state, the city, the county, foreign nations, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed sixty (60) square feet in sign area and shall not be flown from a pole the top of which is more than forty (40) feet in height. Such flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and be subject to regulation as such.

- K. Decorative banners if no more than five (5) per each premises, and provided they are consistent with theme, and displayed for a maximum of six (6) months. This does not include decorative banners installed by the City of Lynden or the Chamber of Commerce.
- L. Legal notices required by law.
- M. Barber poles;
- N. Grave markers.
- O. Incidental, non illuminated signs identifying small specialized community service structures, such as phone booths, public transit shelters, and collection containers for used goods or recyclable materials.
- P. Incidental, non-illuminated signs limited to three per storefront.
- Q. Non-illuminated informational signs pertaining to motor fuel which are affixed to the surface of fuel pumps. These may not exceed two square feet and may not be used for advertising purposes.
- R. Temporary signs. Each temporary sign is limited to a maximum of 30 days. No one business may have more than two temporary signs up at any one time. Temporary signs include banners, hanging signs and freestanding signs. Temporary window lettering intended for view from the right-of-way is also included in this category. Searchlights may be utilized as a temporary sign for up to twelve hours within a single twenty-four hour period. All searchlights must be shut off by midnight.
- S. Lettering or symbols painted directly onto or mounted magnetically onto an operable motor vehicle operating in the normal course of business; provided no part of such signs shall project higher than the roof surface of any such vehicle other than vehicles for hire.
- T. Signs attached to buses or taxis for hire.
- U. One non-illuminated bulletin board not larger than twelve (12) square feet in area for each public, charitable or religious institution when the same is erected on the premises of the institution.
- V. Mural signs within the historic business district in existence on the effective date of the ordinance codified in this chapter.
- W. Non-illuminated religious symbols mounted on church premises.
- X. On premise, directional signs for churches, schools, and government offices not to exceed eight (8) square feet and provided that they may not be placed in the public right-of-way and that the signs are portable and of a sandwich board design.

19.33.075 Special Exemption—Grand Opening/Going out of Business Signs

- A. During a grand opening or going out of business sale not to exceed ninety (90) days, temporary signs may be displayed on the premises without a sign permit

and regulations with respect to sign area, roof placement, sign height and type of signs are temporarily suspended.

- B. All other regulations provided herein and not expressly suspended by this section shall apply to grand opening signs.
- C. The provisions of this section may not be applied to more than one grand opening or going out of business event at any business location within any 12-month period; provided that each separate business location within a multiple-business complex shall be entitled to a grand opening or going out of business event separate from a grand opening event for the complex as a whole.

19.33.080 Prohibited signs. The following signs are prohibited within the city:

- A. Abandoned signs.
- B. Bench signs on, or within thirty (30) feet of, the Public right-of-way
- C. New Billboards. Existing Billboards will be considered non-conforming and may not be reconstructed, replaced or re-located.
- D. Flashing, revolving or any other moving signs; provided, that the moving hands of a clock or changing numerals of a time and/or temperature device may be permitted subject to the other regulations provided in this chapter. This clause is not intended to prohibit signs specifically permitted in other sections of this ordinance.
- E. Off-premises signs except real estate open house signs, political signs, community event signs, mural signs, and garage sale signs specifically authorized or exempted herein.
- F. Off-premises real estate signs within the historic business district.
- G. Portable reader board signs, except as allowed under 19.33.070 (A). No exceptions will be permitted in the Historic Business District (See section 19.33.050 (K))
- H. Roof-mounted signs, including any signs painted directly on the roof surface.
- I. Signs or sign structures, which by coloring, shape, working or location resemble or conflict with traffic-control signs or devices.
- J. Signs which create a safety hazard for pedestrian or vehicular traffic.
- K. Signs larger than two (2) square feet in area attached to or placed on a vehicle or trailer on public or private property; provided, however, that this provision shall not be construed as prohibiting the identification of a firm or its products on a licensed vehicle operating during the normal course of business. For hire buses and taxis are exempt from this provision.
- L. Signs attached to utility poles or traffic signs.
- M. Signs within the public right-of-way except community event signs, kiosks and signs which overhang the public right-of-way as specifically authorized herein.
- N. Signs in city-designated buffer zones or greenbelt areas. This does not include park and trail informational signs.

- O. Signs contrary to the provisions of this chapter.
- P. Streamers or inflatable objects, except for special events provided that they are removed within twenty-four (24) hours of the event, conform to the temporary sign requirements and are outside of the Historic Business District.
- Q. Laser lights.

19.33.090 Special category signs. The following regulations shall apply to the special categories of signs set forth below, in addition to all the other requirements of this chapter which may be applicable.

- A. **Parking Lot Identification Signs.** Parking lot identification signs may be erected without a sign permit if restricted to posting regulations regarding the use of the lot and to identifying a parking lot with its owner, operator, or name of the business providing the lot. No advertising other than the name of the business may be included. The total sign area for parking lot identification signs shall not exceed six (6) square feet for each one thousand (1,000) square feet of parking lot area and each sign face shall not exceed six (6) square feet; provided that each lot shall be allowed at least one parking lot identification sign; and provided further that these restrictions may be exceeded to the extent required by any applicable laws of the State of Washington. Parking lot identification signs shall not exceed a sign height of six (6) feet.
- B. **Community Event Signs.** Community Event signs are signs that announce an event sponsored by the City of Lynden or the Chamber of Commerce and is listed in the official calendar of community events. Signs for events not listed on the official calendar of events may be considered temporary signs under Section 19.33.070 (S). Banner signs are limited to seventy-five (75) square feet per sign face, and may be placed over public right-of-way, or on public property provided that the ground clearance, vision clearance and methods of construction in suspension are approved by the Public Works Director. Freestanding or wall signs may be no larger than 32 square feet per sign face and may be located in the public right-of-way or on public property, provided that the location of the sign is approved by the Public Works Director. Community event signs may be displayed no longer than 14 days prior to an event and must be removed within 48 hours after the event.
- C. **Service Club Signs.** Service club signs are signs which display the recognized shield, logo or symbol of an international service club which has an established chapter in Lynden, has regularly scheduled meetings, but does not own or lease premises within the city. Each such sign may not exceed five (5) square feet. Service club signs require a sign permit and may be displayed only at a single location which has been approved by the City Planner. Additional signage may be permitted for service project recognition at the site of the public service project.
- D. **Garage or Rummage Sale Signs.** Garage or rummage sale signs are temporary signs not to exceed four (4) square feet per sign face which provide direction to a household sale. Up to three (3) such signs may be placed without a sign permit on the property on which the sale is held and/or in nearby public rights-of-way.

Signs placed in public rights-of-way must be self-supported by a stake or similar device and may not be attached to utility poles or traffic signs. Care must be taken to assure that the placement of such signs will not create a hazard to the public by obstructing the view or passage of pedestrians, cyclists or motorists. Garage or rummage sale signs may not be displayed for longer than three (3) days and must be removed within twenty-four (24) hours after the sale. Garage or rummage sale signs may not be displayed more than three times during any twelve (12) month period for direction to a sale on the same premises.

- E. Special Purpose Sign. A special purpose sign is a temporary sign to be displayed less than thirty(30) consecutive days for a purpose not anticipated by this chapter, but not in conflict with it, or in a unique situation as determined by the City Planner. The total area of all special purpose signs intended to be displayed on any one premises shall be determined by the City Planner; provided, however, that the total area shall not exceed thirty-two (32) square feet. All special purpose signs shall require a sign permit.
- F. Mural signs. Mural signs are allowed subject to prior recommendation of the Lynden Design Review Board and approval of the City Council. Upon application, and recommendation by the Design Review Board, the City Council may authorize such mural signs upon a finding that the design and placement of the proposed sign contributes to the historic business district. All murals must depict the history of the community and enhance the character of the commercial center. Murals may not be used for commercial or advertising purposes. The City Council may also authorize specific placement of such mural signs off-premises or in a manner which exceeds the applicable size or height limits prescribed herein.

19.33.100 Permit—Required. No sign or portion of any sign, except those exempted in Section 19.33.070 or Section 19.33.090, shall be erected, re-erected, replaced, revised, attached, structurally altered, or relocated by any person, firm or corporation from and after the effective date of the ordinance codified in this chapter without a permit issued by the city. No permit shall be required for repair, cleaning, or other normal maintenance, nor for changing the message on a reader board sign, as long as the sign structure is not modified in any way.

19.33.110 Permit—Application. Applications for sign permits shall be made to the City Planner upon permit forms provided by the city. Such application shall require:

- A. Name of business and address where the work is to be performed; also the tax parcel number for the parcel where the work is to be performed.
- B. Name and title of applicant;
- C. Name, address and telephone number of the firm doing installation work;
- D. Name and address of the sign owner if other than the business installing the sign;
- E. A complete list describing each existing sign on the premises, including sign type, copy, sign area, location on premises, and date installed.
- F. A site plan showing the location of the affected lot, buildings, and signs, showing both existing signs and proposed signs;

- G. A scale drawing of each proposed sign or sign revision, including location, size, height, copy, structural and footing details, material specifications, colors, method of attachment, illumination, front and end views of canopies and any other information required to ensure compliance with appropriate laws;
- H. Written consent of the owner of the building, structure, or property where the sign is to be erected.

19.33.120 Permit—Fees and approval. Permit fees shall be in accordance with the current fee schedule adopted by city resolution. Upon approval of plans, by the Building Official and the Design Review Board, where required, and payment of the required fee, the City Planner shall issue the sign permit. Permits shall be numbered in the order of their issuance and shall disclose:

- A. The type and description of sign (s) as defined in this chapter;
- B. The street address of the property upon which the sign will be installed;
- C. The amount of the fee paid for the permit;
- D. The date of issuance;
- E. The name of the person or company installing the sign;
- F. The name of the sign owner.

19.33.140 Variances. The Design Review Board shall have the authority to grant a variance from the requirements of this chapter in accordance with the following procedures and considerations:

- A. The person seeking a variance, shall prepare and submit an application on forms provided by the City Planner accompanied by a fee in the amount as adopted by the resolution of the City Council.
- B. Upon receipt of an application, the City Planner shall first review the application for completeness. If the application is incomplete, the City Planner shall return it to the applicant and indicate the additional information needed to make the application complete within three days of submittal.
- C. Within thirty (30) days of receipt of a complete application, the Design Review Board shall make a preliminary determination of whether to grant the application, grant the same under specified conditions, or to deny the variance. In making this determination, the Design Review Board may grant a variance only upon specific, written Findings of Fact setting forth and showing that at least five of the following conditions exist. Of the required conditions, at least three of the conditions must be those within the first four conditions listed below:
 - 1. Literal interpretation and strict application of the provisions and requirements of this chapter would cause either (a) undue hardship on the applicant because of unique or unusual conditions pertaining to the subject property; or (b) loss or substantial modification to a sign which has been found by the Design Review Board to contribute significantly to the historic Dutch theme.
 - 2. The unique or unusual conditions do not result from actions of the applicant or owner of the subject property.
 - 3. Granting the variance would not confer a special privilege to the subject property that is denied to other similarly situated properties.

4. Granting the variance would not be materially detrimental to the property owners in the vicinity or to the traveling public.
 5. Granting the variance would not be contrary to the objects of this chapter relating to the placement of signs and the reduction of clutter; and
 6. Granting the variance would be in harmony with the purpose and intent of this chapter and would not diminish the effect of this chapter in furthering these purposes.
 7. Size and shape of the sign must be in proportion to the bulk of the building.
 8. The sign should conform to the size and shape of signs in the surrounding area.
 9. A variance for a franchise sign must provide proof of the franchise requirement, in the form of the franchise agreement.
- D. In granting any variance, the Design Review Board may attach thereto such conditions regarding the location, character and other features of the proposed sign as they may deem necessary to carry out the spirit and purpose of this chapter in the public interest.
- E. Within five (5) days of the making of the preliminary determination, the Proponent shall cause to be mailed, by certified mail, a notice of the determination to the owner or reputed owner of the properties within 300 feet of the subject property, 500 feet if the property is located within the CSR, ID or IBZ zones, as shown by the property tax records of the Whatcom County Assessor, and by posting notice in a conspicuous place on the subject property and at the Lynden City Hall. The notice shall identify the applicant, the street address or legal description of the subject property, the variance requested, the Design Review Board's preliminary determination and where the application and findings may be inspected, and shall indicate that written comments or objections will be received and considered by the City Planner for a period of ten (10) days following the date of mailing. Receipts, or copies of the receipts, for this certified mailing must be delivered to the City Planner no later than the first day of the 10 day comment period.
- F. Within five (5) days of expiration of the comment period, the Chair of the Design Review Board shall consider any comments or objections made and render a final decision. The City Planner shall cause to be mailed notice of the final decision to the applicant and to each person from whom written comments or objections to the preliminary determination have been received. Such decision shall be final and binding unless appealed in writing to the City Council within fifteen (15) days of the date of mailing of the City Planner's final decision. Any person may file such an appeal by letter addressed to the City Council, accompanied by an appeal filing fee in the amount of \$100.
- G. In the event of an appeal, the City Council will review the reasons and information set forth in the letter of appeal; the findings, conclusions, and decision of Design Review Board, together with any written material submitted by the City Planner; and may take public comment. The City Council shall affirm the decision of the Design Review Board unless it finds the decision to be clearly erroneous, or arbitrary and capricious, or contrary to law, in which case the

Council may modify the decision or any conditions in connection therewith, or remand the same to the Design Review Board.

- H. No action to set aside or modify the decision of the City Council may be brought in any Court or other tribunal unless the action shall be filed within thirty (30) days of the effective date of the City Council's decision

19.33.150 Interpretations. Where there is any dispute concerning the interpretation of this chapter, the decision of the City Planner shall prevail, subject to appeal to the City Council as provided in this title.

19.33.160 Enforcing official—Powers and duties. The enforcing official of this chapter shall be the City Planner who is hereby authorized and directed to enforce all the provisions of this chapter. Signs for which a permit is required may be inspected periodically by the City Planner for compliance with this chapter.

19.33.170 Removal of signs.

- A. Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located within sixty (60) days after the business or service advertised by the sign is no longer conducted. This also applies to billboards advertising defunct businesses or events.
- B. The City Planner may order the removal of any sign erected, installed or allowed to remain in violation of this chapter. He or she shall give at least thirty (30) days notice in writing, to the owner of such sign, or of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance with this chapter. The City Planner may order removal of the sign at the expense of the owner of the premises if compliance with the written order is not obtained. Notice to the owner shall be deemed to be given as of the date of deposit in the United States mail addressed to the address on record that date at the office of the Whatcom County Assessor.

Exception: In the case of temporary signs, banner signs, portable signs or streamers, only five (5) days notice need be given.

- C. The City Planner may cause any sign which is erected or displayed in violation of this chapter to be summarily removed without notice and at the expense of the owner of the sign and/or premises if
1. the condition of placement of the sign presents in the opinion of the City Planner an immediate threat to the safety of the public, or
 2. the sign is placed in a public right-of-way or upon city property or attached to a utility pole, tree or traffic sign in violation of this chapter.

19.33.180 Non conforming signs.

- A. Non conforming signs shall be removed or brought into compliance with this chapter upon the loss of non-conforming status as noted below.
- B. Those revolving or blinking signs or electronic readerboards granted a sign permit prior to September 1, 1996 are considered permitted signs under this ordinance without restriction on scrolling or changing of the message. Any

change or replacement of those signs will require that the signs be brought into compliance with this ordinance or that a variance be applied for and granted.

C. Exception pertaining to portable signs, banner signs and streamers. All portable signs, banner signs and streamers made non conforming by this ordinance shall be removed within ninety (90) days of the effective date of this ordinance.

D. Loss of non conforming status.

1. A non conforming sign shall immediately lose its legal, non conforming status if:
 - a) The sign is structurally altered in any way, (See section 19.33.080(C)); or
 - b) The sign is damaged in excess of fifty (50) percent of the original cost of the sign; or
 - c) The sign is relocated; or
 - d) The sign is replaced.
2. On the occurrence of any of the events described in subsection (D) (1) of this section, the sign shall be immediately brought into compliance with this chapter with a new permit secured therefor, or shall be removed; provided, however, that the City Planner may authorize specific alterations of such non conforming signs if it is found that the total amount of aggregate noncompliance of the sign area of the existing signs on the premises is reduced at least fifty (50) percent by the proposed alterations.

19.33.190 Liability. This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, building, altering, constructing, or removing or moving any sign in the city for damages to anyone injured or damaged either in person or property by any liability by reason of permit or inspection authorized in this chapter or a certificate of inspection issued by the city or any of its agents.