AM No. 12-012

CityofRedmond
WASHINGTON

TO: Mayor Marchione and City Council

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DATE: ~~January 17, 2012~~ February 7, 2012

SUBJECT: STAFF REPORT: ENHANCED TEMPORARY SIGN CODE ENFORCEMENT PROCEDURES

At the November 22, 2011, study session the Council directed staff to further explore "enhancing" the enforcement procedures that are currently being used to obtain compliance for illegally-displayed temporary portable signs. The purpose of this staff report is to review the proposed enhancements to code enforcement and receive any further direction prior to implementation.

BACKGROUND

Staff has noted an increased incidence of the display of non-compliant temporary portable signs (A-boards/sandwich boards) throughout the city. In spite of repeated City-issued warnings and fines, the owners and/or managers of many commercial business establishments are continuing to violate the current sign code by displaying too many signs, exceeding the allowable size, placing signs in the middle of sidewalks and medians, and displaying signs when the establishment is not open for business.

For the November 22, 2011, study session, staff prepared and presented to the Council several alternatives which contained modified language to the current Temporary Portable Sign Code that might better address controlling the increasing incidence of the display of noncompliant temporary signs. These approaches included banning all temporary signs, increasing/decreasing the number of signs allowed, requiring permits, maintaining the status quo, or retaining the current language (status quo) while adding enhanced enforcement.

The Council directed to "step up" code enforcement while sustaining the current regulatory language for the "time, place, and manner of the display of temporary portable signs." It was agreed to provide a status update in June 2012 to determine if further steps are needed or if the enhanced code enforcement has resolved the problems.

CURRENT STATUS

- The current removal fee/fine structure for illegally displayed temporary signs is:
  - First Warning (No Fees/Fines)
  - First Removal ($50 Retrieval Fee Per Sign)
  - Second Removal ($50 Retrieval Fee Per Sign plus $100 Fine Per Sign)
  - Subsequent Removals ($50 Retrieval Fee Per Sign plus up to $1,000 Fine Per Sign)
- Unless requested, the sign code regulations are not currently being distributed to business owners/managers.
- Code enforcement staff conducts weekend sign sweeps only in response to citizen and/or staff complaints.

PROPOSED ENHANCED ENFORCEMENT

As directed by the Council and described below, staff will increase the focus on temporary sign infractions and increase weekend enforcement by modifying work schedules. In addition, code changes, as noted below, will be brought forward for Council consideration.

- To address illegal signs that typically appear on weekends only, code enforcement staff will be flexing regular weekday work schedules in order to perform random weekend sign sweeps.
- Staff is also increasing the distribution of sign code regulations to the business community, as well as making the business community aware, in advance, of the consequences that will be associated with any violation(s) of the temporary sign code.
- Staff will be streamlining the current removal procedure and changing the fine structure, as well as modifying and updating the "Sign Code Violation Notices." The new removal fee/fine structure will be:
  - First Warning (No Fees/Fines)
  - First Removal ($50 Fee plus $150 Fine)
  - Second Removal ($50 Fee plus $200 Fine)
  - Subsequent removals: After due process, the illegal sign(s) will be destroyed. (Please refer to second bullet below.)
- To be better able to enforce regulations regarding the removal and the discarding of illegal temporary signs, staff will present language to the Technical Committee and Planning Commission to remove Section 21.44.010(J) from the Redmond Zoning Code (Attachment A) and relocate that language to Section 1.14.060 of the Redmond Municipal Code (Attachment B).
  - Note: Currently, with the exception of one section of the Sign Code, all "enforcement language" used to obtain compliance in the Zoning Code is located in the Redmond Municipal Code.
- New regulatory language will be drafted and added to Section 1.14.060 that will assist enforcement personnel with the confiscation and the discarding of illegal temporary portable signs that continue to be displayed, or that are in excess of the allowable number of temporary signs within any given zone.

Staff will implement immediately those provisions which do not require code changes and, with Council concurrence, will proceed with preparing the proposed code amendments. Those amendments should be to City Council mid-spring 2012 for consideration and adoption.

Staff looks forward to reviewing the proposed enforcement measures with you on January 17, 2012.

LIST OF ATTACHMENTS:

Attachment A: RZC 21.44(J) Removal and Disposal of Illegal Signs

Attachment B: RMC 1.14.060 Criminal violations and penalties, civil violations and penalties, and other penalties

ATTACHMENT A

"RZC 21.44(J) Removal and Disposal of Illegal Signs.

(1) Any sign on public property or within a public right-of-way or easement, including utility poles within a public right-of-way or easement, that violates the RZC or RMC may be removed by the City without notice.

(2) If the owner can be determined, the City shall store the illegal sign for 30 calendar days after the day the sign was removed and notify the advertiser that the City is storing the sign and the time and location where the sign can be retrieved. The advertiser may retrieve the sign during any working days within this 30-day period.

(3) To reimburse the City for the costs of removing and storing the sign, an advertiser retrieving a sign shall pay the City a $50 fee for each sign removed to compensate the City for its costs. This fee is a reimbursement of City costs and shall not be considered a penalty. This fee shall be paid in addition to any penalty levied.

(4) If the City's determination that the sign is illegal is appealed and the decision maker determines the sign is not illegal, the advertiser shall not have to pay the fee. If the fee has been paid, the City shall reimburse the advertiser. Any appeals of the City's determination that the sign is illegal shall not stay the requirement to comply with the RZC or RMC.

(5) If the advertiser cannot be determined or the sign is not picked up by the advertiser within the time period set by subsection (2), the City shall dispose of the sign. The removal and disposal of signs is an enforcement mechanism and is not a penalty. The placement of illegal signs may be subject to the penalties provided for in RMC 1.14 in addition to the removal and disposal of illegal signs.

(6) The City and its officers, employees, or contractors shall not be responsible for any lost or damaged signs located on public property, public rights-of-way, or public easements while on the property, right-of-way or easement, or in City custody."

ATTACHMENT B

"RMC 1.14.060 Criminal violations and penalties, civil violations and penalties, and other penalties.

(a) Criminal Violation and Penalty.

(1) Any person who intentionally, knowingly, recklessly, or criminally negligently commits an act which violates (i) this chapter; (ii) any provision listed in RMC Section 1.14.030(a), Applicability; (iii) any approval or approval condition granted under any provision listed in RMC Section 1.14.030(a), Applicability; or (iv) any orders issued under this chapter shall be guilty of a gross misdemeanor.

(2) Any person who intentionally, knowingly, recklessly, or criminally negligently fails to act when required to do so by (i) this chapter; (ii) any provision listed in RMC Section 1.14.030(a), Applicability; (iii) any approval or approval condition granted under any provision listed in RMC Section 1.14.030(a), Applicability; or (iv) any orders issued under this chapter shall be guilty of a gross misdemeanor.

(3) Any person convicted of any of the crimes created in RMC Section 1.14.060(a), Criminal Violation and Penalty, shall be punished by a fine of not more than $5,000 and/or imprisonment of not more than one year. In no case shall such a violation be punished by a fine of less than $250.

(b) Civil Violation and Penalty.

(1) Any person who commits an act which violates (i) any provision listed in RMC Section 1.14.030(a), Applicability; (ii) any approval or approval condition granted under any provision listed in RMC Section 1.14.030(a), Applicability; or (iii) any orders issued under this chapter shall be subject to a civil penalty not to exceed $1,000 for each violation. The minimum civil penalty shall be $100.

(2) Any person who fails to act when required to do so by (i) any provision listed in RMC Section 1.14.030(a), Applicability; (ii) any approval or approval condition granted under any provision listed in RMC Section 1.14.030(a), Applicability; or (iii) any orders issued under this chapter shall be subject to a civil penalty not to exceed $1,000 for each violation. The minimum civil penalty shall be $100."