

SEASIDE PLANNING COMMISSION AGENDA
989 Broadway - City Hall Council Chambers
May 1, 2012
7:00 p.m.

1. **CALL TO ORDER:**
2. **PLEDGE OF ALLEGIANCE:**
3. **OPENING REMARKS:**
4. **DECLARATION OF CONFLICT OF INTEREST OR EXPARTE CONTACTS:**
5. **APPROVAL OF MINUTES:** April 3, 2012
6. **PUBLIC HEARING:**

A.)
7. **ORDINANCE ADMINISTRATION:** Discussion on Lighting & the Sign Ordinance
8. **PUBLIC COMMENTS:** Not related to specific agenda items:
9. **PLANNING COMMISSION & STAFF COMMENTS:**
10. **ADJOURNMENT**

MINUTES SEASIDE PLANNING COMMISSION
April 3, 2012

CALL TO ORDER: Chair Tom Horning called the regular meeting of the Seaside Planning Commission to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Steve Winters, Virginia Dideum, Ray Romine, Tom Horning, Chris Hoth, Bill Carpenter, and Dick Ridout, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director

OPENING REMARKS & CONFLICT OF INTEREST/EXPARTE CONTACT: Chair Horning asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda. There was no response. Chair Horning then asked if any of the Commissioners wished to declare a conflict of interest or exparte contact. There was no response.

APPROVAL OF MINUTES: Motion to approve the March 6, 2012 minutes; Commissioner Carpenter made a motion to approve the minutes as submitted. Commissioner Ridout seconded the motion was carried unanimously.

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chair Horning:

1. The applicable substantive criteria for the hearing items are listed in the staff report(s) prepared for this hearing.
2. Testimony and evidence shall be directed toward the substantive criteria listed in the staff report(s) or other criteria in the plan or land use regulation, which you believe applies to the decision.
3. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue.
4. The applicant will testify first, then any opposition will testify, and then the applicant will be given time for rebuttal.

PUBLIC HEARING:

A.) 12-008VRD is a request by Greg & Heather Schroeder for a **Three** (3) bedroom Vacation Rental Dwelling Permit within the Residential Medium Density (R-2) zone. The property is located at **416 17th Ave.**

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions.

Chair Horning asked if there was anyone who would like to offer testimony in favor of the request. Erin Barker Beachhouse Vacation Rentals, 800 N Roosevelt, Seaside. This is a basic VRD and if you have any specific questions just ask.

Chair Horning asked if there was anyone else who would like to offer testimony in favor of the request. There was no response.

Chair Horning asked if there was anyone who would like to offer testimony in opposition. There was no response.

Chair Horning closed the public hearing and the issue was opened for Commission discussion.

Commissioner Hoth stated that he wants to make sure that the renters will be aware of the parking and how they will need to park.

Commissioner Ridout asked if any of the drawings were to scale. Erin stated that they Schroeder's did all the paperwork on this one. There is one parking space in the garage and two outside the garage.

Commissioner Ridout made a motion to approve the VRD under the guidelines that staff has presented. Commissioner Carpenter seconded and the motion was carried unanimously.

ORDINANCE ADMINISTRATION: Mr. Cupples stated that at the last City Council meeting a few counselors brought up signage in the downtown core area specifically looking at sandwich boards and banners. Mr. Cupples would like to set a joint work session to discuss the sign ordinance. There is some concern that some people are putting sandwich board signs out on the weekends when there is no enforcement. Maybe at that same meeting we could discuss the lighting ordinance and that would be set up on May 15th. The Planning Commission members should go up and look at the outside lights at Costco and Home Depot, and see the difference and take note of how a lighting control ordinance could actually cut down on a lot of wasted light.

If you look at the public restroom by the visitor's bureau it is all lit up but you don't see any of the light bulbs or fixtures it only lights the building and not the surrounding area. Commissioner Horning stated that if you want to see a current example of light pollution it is at the concrete plant over at the airport. They have put up a light that shoots light out horizontally with such a sodium vapor lamp that it will cast a shadow over at 12th Avenue. If you have worked late and driven home you have probably seen it.

Commissioner Ridout asked if the sign ordinance allows or not allows sandwich boards. Mr. Cupples stated that the sign ordinance does allow sandwich board with restrictions. In the downtown core area there seems to be some confusion because you can only place a sandwich board on your property. Most of the businesses in the downtown core area do not have private property in front of the business. There are a few businesses that have their doorways inset and they are able to use sandwich boards. If they do not have the inset doorways then they will not be able to use sandwich boards because it puts the sign in the public right-of-way. We have had a lot of discussion with the shop owners on the west side of Columbia. (Wyndham Parking Garage) That building does not sit right on the property line. It sits back several feet so they are able to have sandwich boards. The signs that are put up in the flag pole holes are in violation of the ordinance. That is why Mr. Cupples went to the new ACE Hardware and asked them to please take the flagpole signs out of the planting strips in front of their store along Broadway and Holladay.

There are some people who like the flagpole signs and others who don't.

Commissioner Ridout stated that many years ago people didn't want all the sandwich boards signs out. They went through a great deal of effort with the merchants to have the downtown area look nice. Now there are different merchants and they may have different attitude towards signs and signage.

Commissioner Ridout stated that from his point of view this is a business community decision and the businesses should be able to decide how they want their signs.

COMMENTS FROM THE PUBLIC:

COMMENTS FROM COMMISSION/STAFF:

ADJOURNMENT: Adjourned at 7:25 pm.

Tom Horning, Chairperson

Debbie Kenyon, Admin. Assistant

CITY OF SISTERS, OREGON

ORDINANCE NO. 251 H

AN ORDINANCE OF THE CITY OF SISTERS, OREGON, AMENDING CHAPTER 15.02 OF THE SISTERS MUNICIPAL CODE AS SET OUT IN ORDINANCE NO. 251, THE ZONING ORDINANCE OF THE CITY OF SISTERS, AND REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES INCONSISTENT HEREWITH.

WHEREAS, The City of Sisters has adopted a Zoning Ordinance, Ordinance No. 251, which is codified in the Sisters Municipal Code as Chapter 15.02; and

WHEREAS, the City of Sisters Planning Commission and City Council has determined that Chapter 15.02 of the Sisters Municipal Code as set out in Ordinance No. 251 must be modified in certain respects;

NOW, THEREFORE, THE CITY OF SISTERS ORDAINS AS FOLLOWS:

15.02.310 Supplementary Provisions Subsection 11. Outdoor Lighting shall be added to read as follows:

15.02.310.11 Outdoor Lighting.

A. Purpose. The purpose of this supplementary provision is to make the lighting used for residential, commercial and public areas appropriate to the need and to keep the light from shining offsite onto adjacent public rights of way or private properties. Further, it is to encourage, through regulation of type, kinds, construction, installation, and uses of outdoor electrically powered illuminating devices, lighting practices and systems to conserve energy without decreasing safety, utility, security, and productivity while enhancing nighttime enjoyment of property within the City.

B. Requirements for installation. Except as exempted by provisions of this ordinance, as of the date of adoption, the installation of outdoor lighting fixtures shall be subject to the provisions of this ordinance.

C. Shielding. All nonexempt outdoor lighting fixtures shall have directed shielding so as to prevent direct light from the fixture from shining beyond the property limits where the fixture is installed. This means that a person standing at the adjacent property line would not see the light emitting source.

D. Prohibitions.

4-17-12

1 of 3

(1). Laser Source Light. The use of laser source light or any similar high intensity light when projected beyond property lines is prohibited.

(2). Searchlights. The operation of searchlights for purposes other than public safety or emergencies is prohibited.

E. Exemptions.

(1). Nonconformance.

A. Outdoor light fixtures lawfully installed prior to and operable prior on the effective date of the requirements codified in this ordinance are exempt from all such requirements except as follows:

(a). All replacement of outdoor lighting fixtures, as of the date of adoption, shall be subject to the provision of this ordinance.

(b). **A light directed onto a neighboring property such that is declared a nuisance in accordance with City Ordinance 96.23 (B).** ~~Until a date five years after the date of the adoption of this ordinance.~~

~~(2)B. Fossil Fuel Light. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from the requirements of this ordinance.~~

~~(32).~~ Airport operations lighting and aircraft navigational beacons as established by the Federal Aviation Administration are exempt from these provisions. All other airport outdoor lighting must conform with this ordinance.

~~(43).~~ Lights of less than 15 watts used for holiday decorations for no more than 45 days are exempt from the requirements of this ordinance.

~~(54).~~ Carnivals, and Fairs, **or other special events** that require the use of temporary outdoor lighting fixtures are exempt except that permanent installations at dedicated sites must conform to the requirements of this ordinance.

~~(65).~~ Lighting for U.S. flags properly displayed; **however any new flags shall be lighted with downcast lights in a manner that is dark sky compliant.**

~~(76).~~ Temporary exemptions to the requirements of this ordinance for up to five days per calendar year.

~~(87).~~ Construction lighting necessary for an allowed use are exempt except that permanent installations at dedicated sites must conform to the requirements of this ordinance.

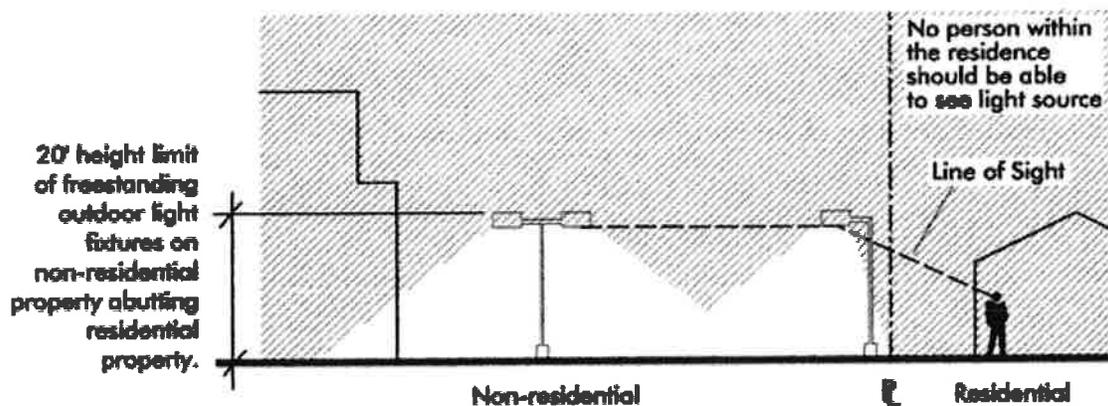
(98). Individual light fixtures with lamps of less than 40-watts 1800 lumens.

Examples of lamps with 1800 Lumens and Less (Note, these figures must be checked)

The acceptability and shielding restrictions applicable to a particular lamp are decided by its initial lumen output, not wattage; check manufacturer's specifications. Examples of lamp types of 1800 lumens and less are:

- 100 Watt Standard Incandescent
- 15 Watt Cool White Fluorescent
- 15 Watt Compact Fluorescent
- 18 Watt Low Pressure Sodium

Figure 23.56-1
Shielding Provisions for Outdoor Lighting

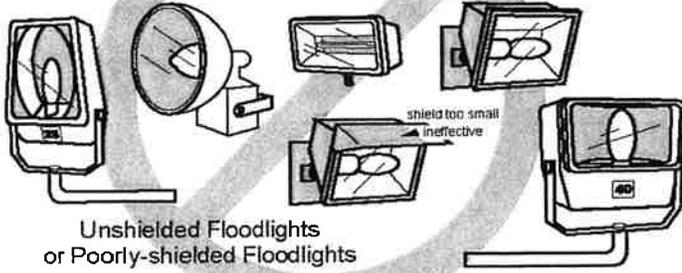


This example would require editing.

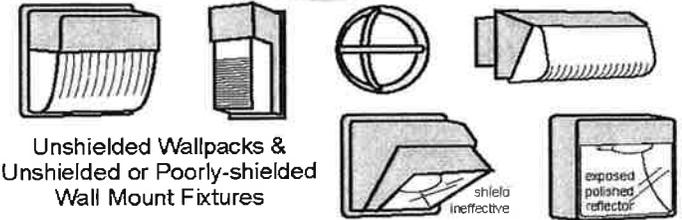
Examples of Acceptable / Unacceptable Lighting Fixtures

Unacceptable / Discouraged

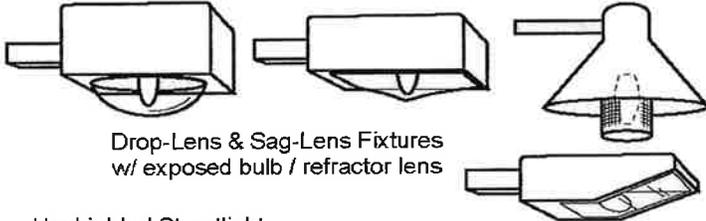
Fixtures that produce glare and light trespass



Unshielded Floodlights or Poorly-shielded Floodlights



Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures

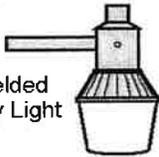


Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens

Unshielded Streetlight



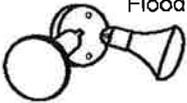
Unshielded Security Light



Unshielded 'Period' Style Fixtures



Unshielded PAR Floodlights



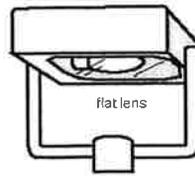
Drop-Lens Canopy Fixtures



Acceptable

3/20/12

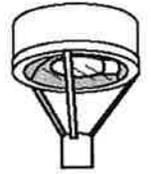
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



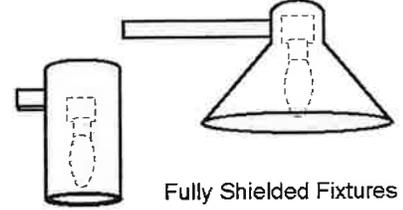
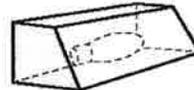
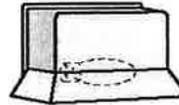
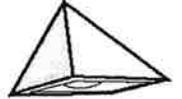
flat lens



Full Cutoff Fixtures



Fully Shielded Wallpack & Wall Mount Fixtures

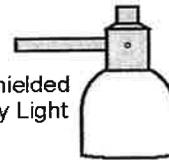


Fully Shielded Fixtures

Full Cutoff Streetlight



Fully Shielded Security Light



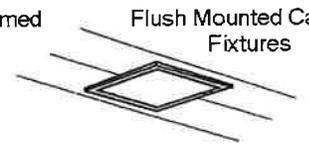
Fully Shielded 'Period' Style Fixtures



Flush Mounted Canopy Fixtures



Shielded / Properly-aimed PAR Floodlights



Copyright Bob Crellin BC 1002

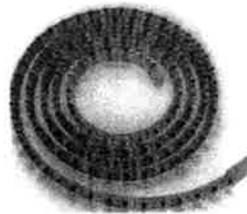
ADDITIONAL EXAMPLES

UNACCEPTABLE



Upward Oriented Landscaping Floodlight

ACCEPTABLE

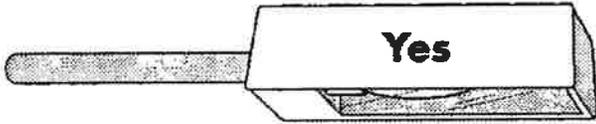
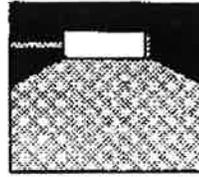


Rope Lighting

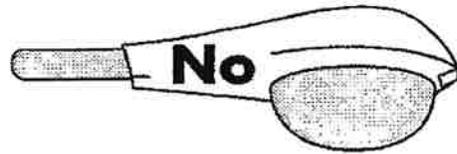
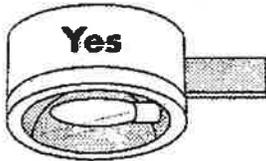


Partially Shielded Low Voltage Landscape light

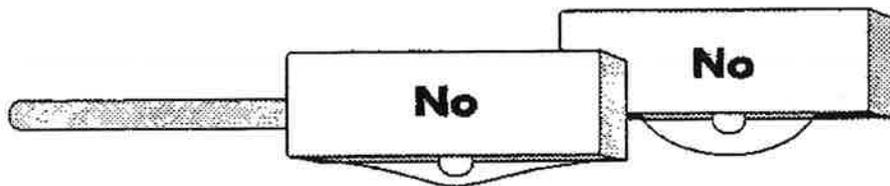
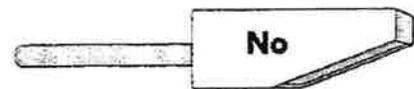
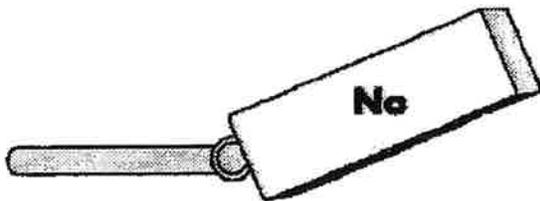
What is a True Full Cutoff Outdoor Lighting Fixture?



Flat glass lens, eliminates or minimizes direct glare, no upward throw of light. The housing for these fixtures are available in many styles.



Same fixture as above mounted incorrectly – defeating the horizontal mounting design. The fixture now produces direct glare, and can also produce uplight at steeper mounting angles.



Known as just "Cutoff" Center "drop" or "sag" lens with or without exposed bulb, produces direct glare.

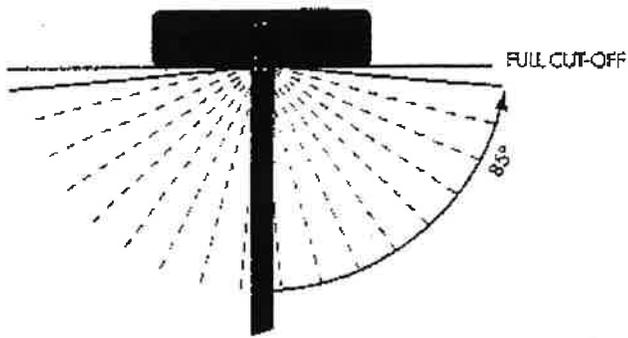


FIGURE 2
85° Full Cut-Off Fixture

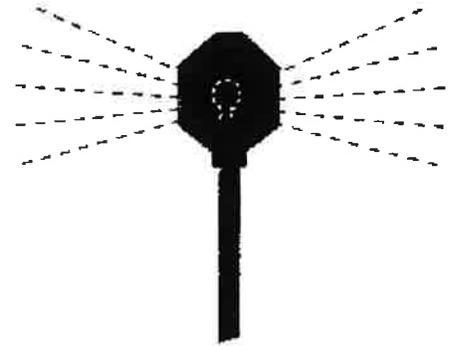


FIGURE 3
Partially Shielded
(translucent siding - bulb not visible)

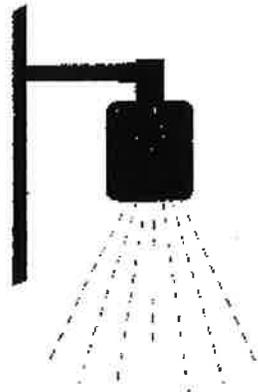


FIGURE 4
Shielded

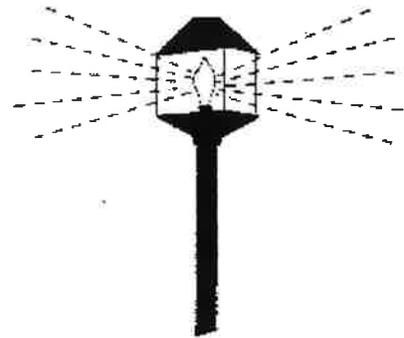


FIGURE 5
Unshielded with Opaque Top
(less than 375 lumens)

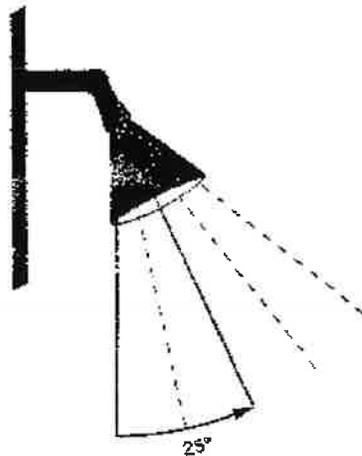


FIGURE 6
Angle of Flood Light
with External Shielding

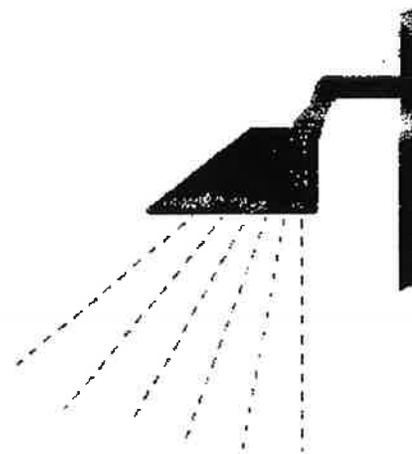


FIGURE 7
Directional Flood Light

Figure 1. Wall mounted lights.

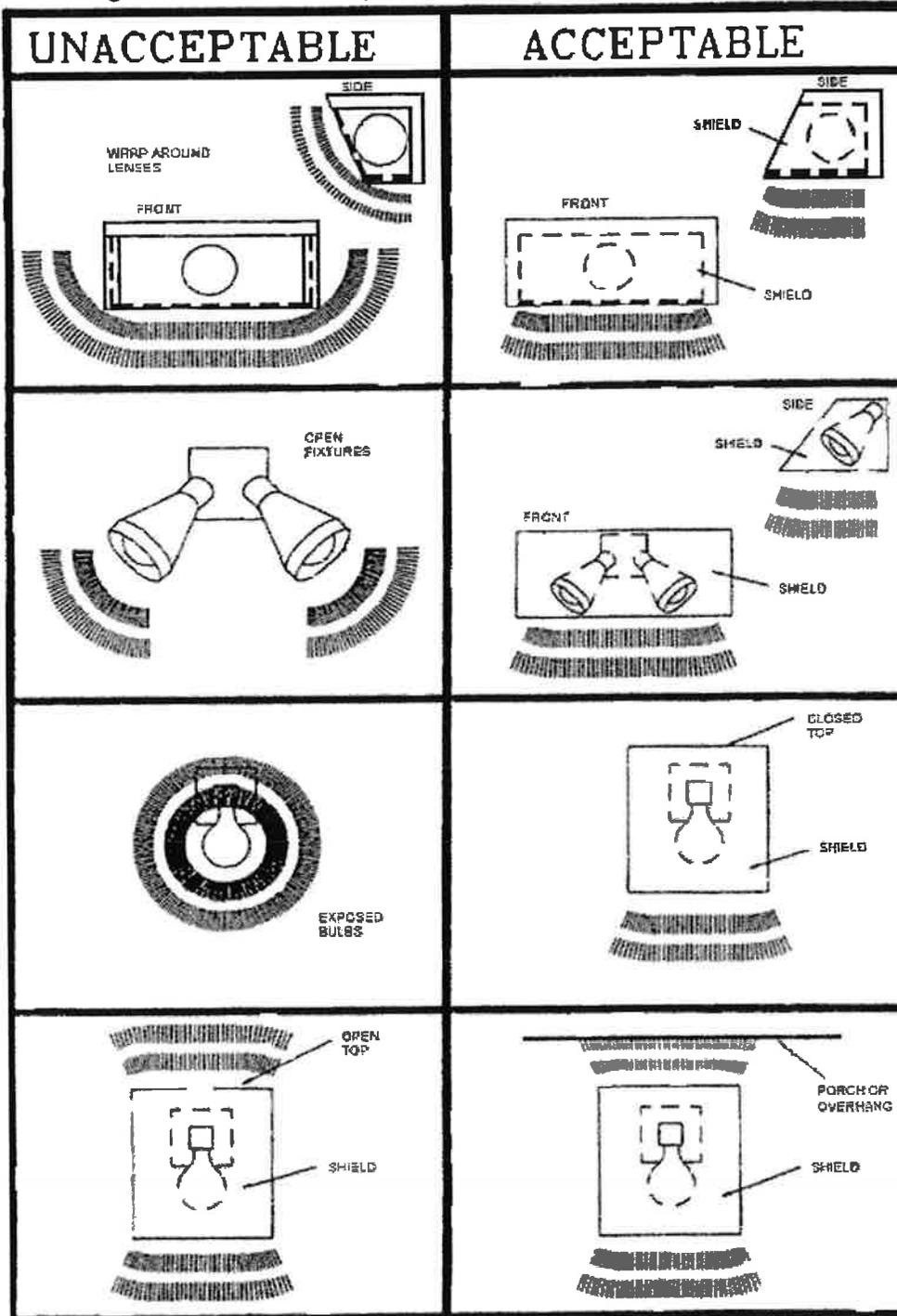


Figure 2. Free standing outdoor lighting fixtures.

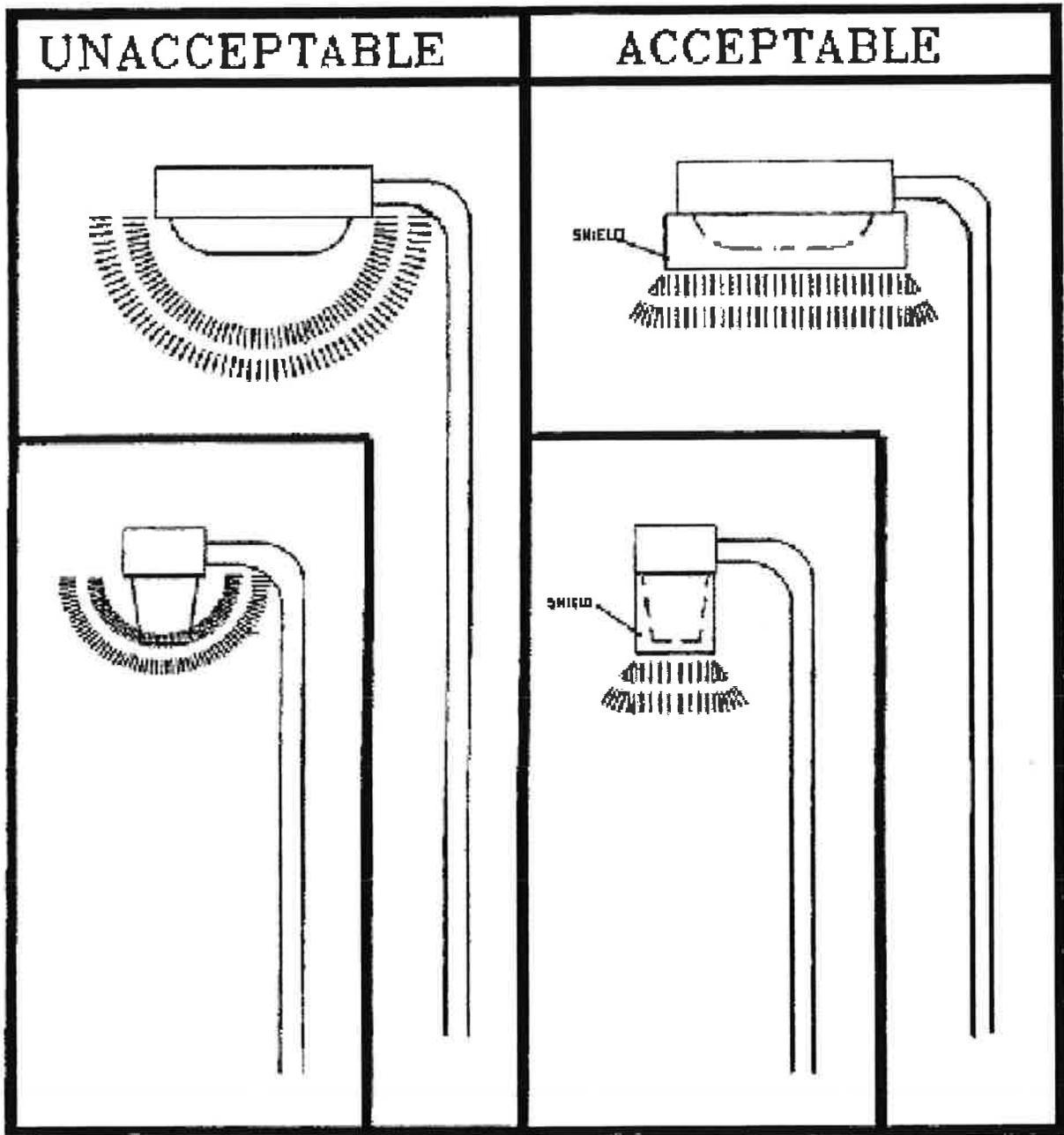


Figure 3. Outdoor lighting fixtures - Street and lot light cut-off at property line.

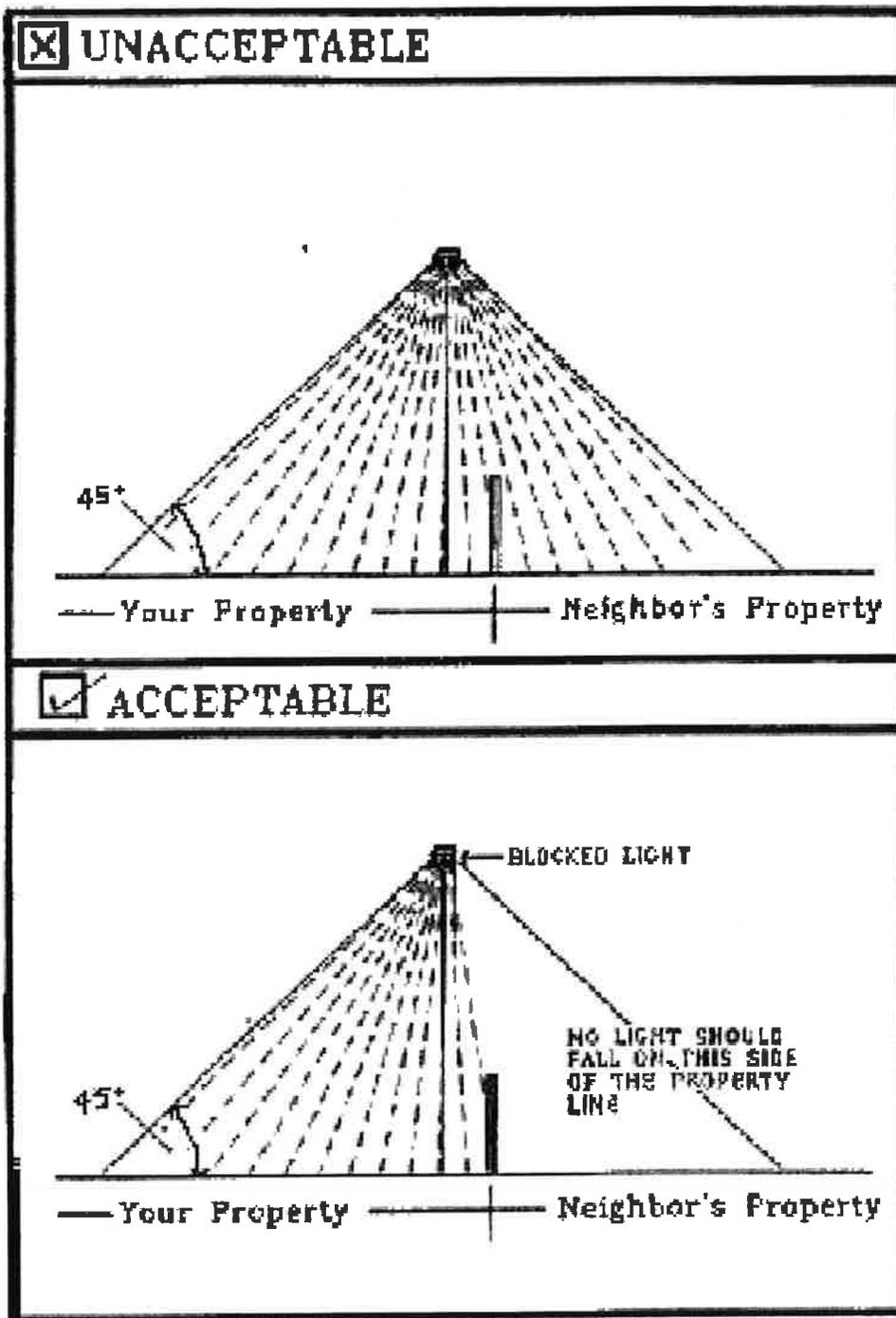
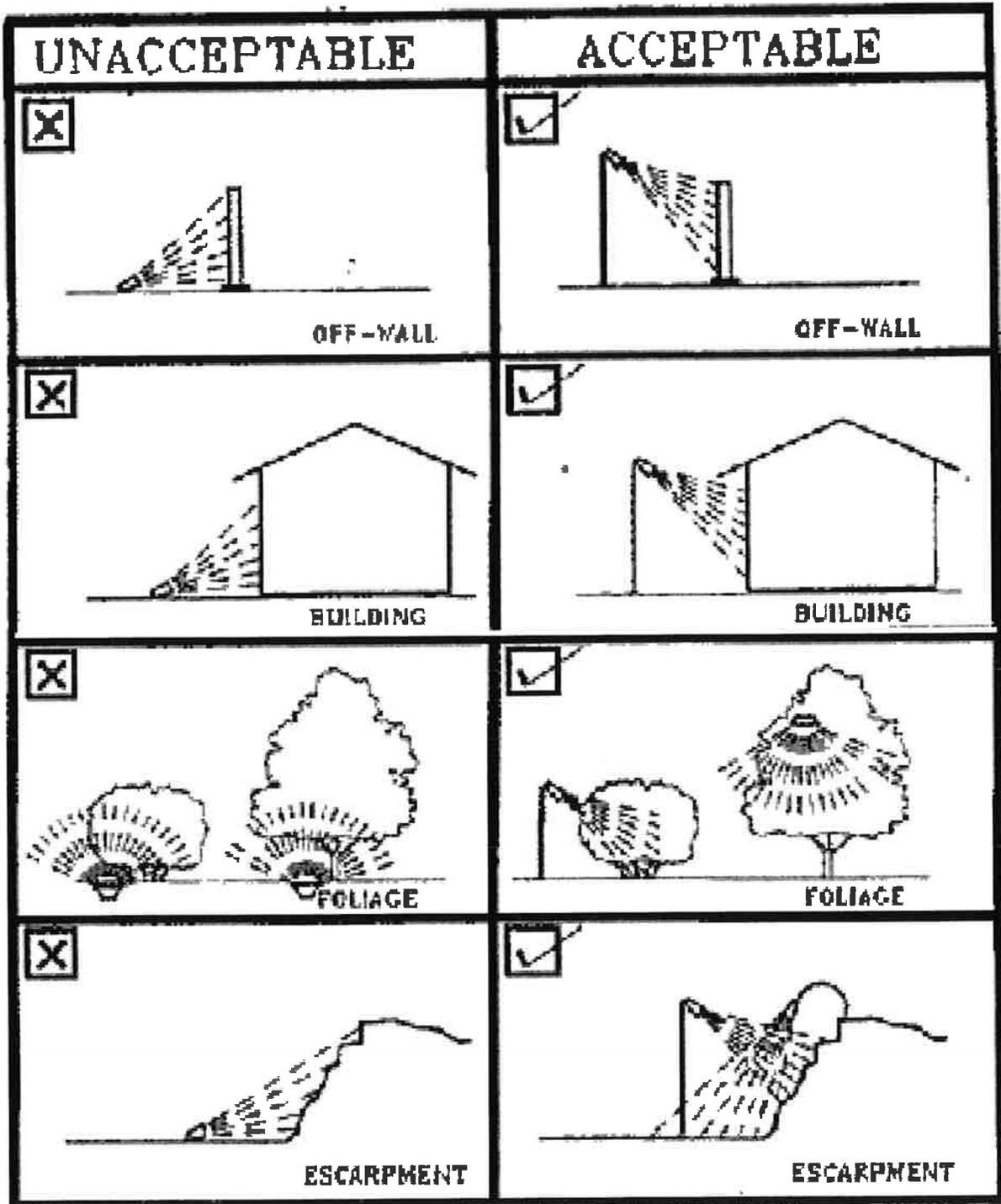


Figure 4. Accent lighting.



CHAPTER 155: SIGN CODE

Section

General Provisions

- 155.01 Title
- 155.02 Purpose
- 155.03 Definitions
- 155.15 General provisions
- 155.16 Sign location
- 155.17 Signs allowed without a permit (exempt)
- 155.18 Exceptions for special signs
- 155.40 Reserved
- 155.50 Prohibited signs
- 155.60 Establishment of sign permits
- 155.70 Required information for a sign permit
- 155.80 Required conformance for non-conforming signs
- 155.90 Unsafe or illegal signs
- 155.91 Sign permit fees
- 155.92 Enforcement
- 155.93 Abatement of signs
- 155.94 Board of appeals and variances

GENERAL PROVISIONS

§ 155.01 TITLE.

This chapter shall be known and shall be cited as the *City of Seaside Sign Code*. (Ord. 88-2, passed 3-28-88; Am. Ord. 2002-06, passed 6-11-02)

§ 155.02 PURPOSE.

The purpose of this chapter is to provide minimum standards to safeguard life, health, property, and public welfare, including aesthetics, by regulating and controlling the size, design, construction, location, illumination and maintenance of all signs. (Ord. 88-2, passed 3-28-88; Am. Ord. 2002-06, passed 6-11-02)

§ 155.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A-FRAME (SANDWICH BOARD). A temporary, double faced, collapsible sign, hinged at the top and open at the bottom for self support.

ALTERATION. Any change in the size, shape, method of illumination, position, location, structural feature, or supporting structure of a sign.

AREA. The area within the outer dimensions of a sign. In the case of a multiple-faced sign, the area of each face shall be included in determining sign area, except for double-faced signs placed no more than 24 inches back-to-back, only one face will be used to calculate the sign area.

AWNING: A temporary or permanent shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

BILLBOARD. A sign which advertises a business, commodity or activity which is sold, offered or conducted on premises other than those where such a sign is located.

BULLETIN BOARD, CHANGEABLE COPY SIGN, or READER BOARD. A sign of a permanent nature, but which accommodates changes in wording, indicating persons, events, products, or services offered on the premises of the sign location.

BUSINESS. A commercial or industrial enterprise.

BUSINESS FRONTAGE. The lineal front footage of a building or portion thereof devoted to a specific business or enterprise, and having an entrance/exit open to the general public.

BUSINESS PREMISES. A parcel of property or that portion thereof occupied by one tenant.

CANOPY. A non-movable roof-like structure attached to a building and does not include a reader board.

CONSTRUCTION SIGN. A sign stating the names, addresses or telephone numbers of those individuals or businesses directly associated with a construction project on the premises.

DIRECT ILLUMINATION. A source of illumination on the surface of a sign or from within a sign.

ELECTRONIC READER BOARD. A sign on which display can be altered electronically by using patterns of lights. This sign may be changed at intervals of no less than one and one-half seconds and may contain only one screen of text or graphic display. The illumination shall be by steady continuous light.

FLASHING SIGN. A sign incorporating intermittent electrical impulses to a source of illumination or revolving in a manner which creates the illusion of flashing, or which changes color or intensity of illumination. This includes, but is not limited to, all lights on or within a building or

premises or vehicle on or off the premises for the purposes of attracting attention for commercial purposes. This definition does not include time, tide, and temperature signs or electronic reader board signs.

FRONTAGE. The single wall surface of a building facing a public right-of-way.

GROUND SIGN. A sign erected on a free-standing frame, mast or pole and not attached to any building. Also known as a "free-standing sign" or "pole sign".

INCIDENTAL SIGN. A sign intended primarily for the convenience and direction of the public on the premises which does not advertise but is informational only. Includes signs which denote the hours of operation, credit cards, service station gasoline price signs, entrance and exits, and signs required by law.

INDIRECT ILLUMINATION. A source of illumination directed toward a sign so that the beam of light falls upon the exterior surface of the sign.

ILLEGAL SIGN. A sign which is erected in violation of the Seaside Sign Code.

MARQUEE. A permanent roofed structure attached to and supported by the building and projecting over public property and includes a reader board.

MARQUEE SIGN. A sign which is painted on, attached to, or supported by a marquee.

NEIGHBORHOOD IDENTIFICATION. A sign located on a wall or fence at the entry point of a single-family subdivision comprising not less than two acres, or a sign identifying a multiple-family development of ten or more dwelling units.

NON-CONFORMING SIGN. An existing sign, lawful at the time of enactment of this ordinance, which does not conform to the requirements of this code.

PARCEL or PREMISES. A lot or tract of land under separate ownership, as depicted upon the county assessment rolls, and having frontage abutting on a public street.

POLITICAL SIGN. Any temporary sign which supports the candidacy of any candidate for public office or urges action on any other matter on the ballot of primary, general, or special elections.

PROJECTING SIGNS. Signs, other than wall signs, which are attached to and project from a structure or building face, usually perpendicular to the building face.

REAL ESTATE SIGN. A sign indicating that the premises on which the sign is located, or any portion thereof, is for sale, lease or rent.

ROOF SIGN. Any sign, other than painted signs, erected upon, against, or directly above a roof or top of or above the parapet of a building.

SIGN. Any permanent identification, symbol or device which is affixed directly or indirectly upon a building, vehicle, structure or land, that directs attention to a product, place, activity, person, institution or business, that is designed to be seen from a public street or walkway. This may include banners, flags, balloons or other devices.

SHOPPING CENTER or BUSINESS COMPLEX. Any building containing more than one business, or any group of buildings in close proximity to one another sharing parking, ownership and ingress or egress.

STREET FRONTAGE. That area of a building which fronts on a public street, road or highway.

TEMPORARY SIGN. A sign which is not permanently affixed to the ground or to a permitted structure. These include all devices such as banners, pennants, flags (not including flags of nations), searchlights, sandwich boards, sidewalk signs, curb signs, balloons or other symbols designed to attract attention.

TIME AND TEMPERATURE SIGN. A message display providing only time, tide, and/or temperature information to the public. This information can be updated at intervals of no less than one second.

WALL GRAPHICS. Any mosaic, mural or painting or graphic art technique or combination or grouping of mosaics, murals, or paintings or graphic art techniques applied, implanted or placed directly onto a wall or fence and containing no copy, advertising symbols, lettering, trademarks or other references to any product, service, goods or advertising anything sold on or off the premises.

WALL SIGN. A sign attached to or erected against or painted upon the wall of a building with the face in a parallel plane of the building wall. (Ord. 88-2, passed 3-28-88; Am. Ord. 96-18, passed 10-28-96; Am. Ord. 2002-06, passed 6-11-02; Am. Ord. 2007-14, passed 10-8-07)

§ 155.15 GENERAL PROVISIONS.

(A) Commercial and Industrial Zones.

(1) Area: The total area of a sign for a business in a Commercial or Industrial Zone is limited to one and one-half square feet of area for each linear foot of front frontage of the business or business building. Sign area shall include all borders, trims, structures and component parts surrounding the display surface with a maximum of 200 square feet allowed.

(2) Corner lots: Buildings on corner lots may have signs on both streets, and each street frontage will be used for computing the sign area for that side. If one sign is visible from more than one street, the area can be deducted from either frontage.

(3) Lettering limitations: Readerboard lettering shall not extend by any means above the roof or the readerboard.

(4) Roof signs must comply with the following provisions:

(a) The signs must be attached to an exterior facade such that it appears to be an integrated part of the exterior wall of the building.

(b) The sign area may not extend more than eight feet above the apparent roof line of the building that is visible from the street the sign faces; however, no sign may exceed the allowable height of the building within the district in which it is located.

(c) The sign area on the facade cannot cover more than 50% of the total facade area.

(B) *General Residential Zones.*

(1) Single-family and duplex residential uses shall be allowed a sign not exceeding two square feet.

(2) Apartments and non-residential uses shall be allowed a sign not exceeding 20 square feet.

(C) *Specific Residential Zones.*

(1) Resort residential: All provisions applicable to Commercial and Industrial Zones shall apply to the Resort Residential Zone; however, the maximum allowable signage shall be limited to 100 square feet.

(2) Residential commercial: Non-residential uses in the Residential Commercial Zone which front on Roosevelt Drive are permitted one and one-half square feet of sign area for each linear foot of business street frontage with a maximum of 200 square feet. No more than 50 square feet of sign area may face streets other than Roosevelt.

(D) *Open Space, Aquatic and EFU Zones.*

(1) Signs within the OPR zone shall not exceed 40 square feet.

(2) Signs within Aquatic and EFU Zones shall not exceed 40 square feet and they require a public hearing and approval of a conditional use by

the Planning Commission in accordance with the provisions of Article 6 and Article 10 of the Seaside Zoning Ordinance.

(Ord. 88-2, passed 3-28-88; Am. Ord. 96-18, passed 10-28-96; Am. Ord. 2002-06, 6-11-02; Am. Ord. 2007-14, passed 10-8-07)

§ 155.16 SIGN LOCATION.

(A) *Signs projecting into street right-of-ways:* Unless otherwise provided under this chapter, signs may project over a public right-of-way from the face of the building to which they are attached to a maximum of two feet and must be located eight feet or more above grade. Signs shall not project within two feet of the curb line.

(B) *Signs projecting into alleys:* No sign or sign structure shall project more than 12 inches into any public alley and must be a minimum height of 14 feet above alley grade.

(C) *Access restricted locations:* No sign or sign structure shall be erected in such a manner that any portion of its surface or support will interfere in any way with the free use of any fire escape, exit or standpipe.

(D) *Code restricted locations:* No sign shall obstruct any openings to such an extent that light or ventilation is reduced to a point below that required by the building code.

(E) *A-Frame or sandwich board signs:* These signs are not permitted more than ten feet from the entrance of a building. They must be located entirely on the property with no more than one sign per business regardless of the permitted area allowed. The sign area is limited to no more than ten square feet per face. Only one sign is permitted per business.

(F) Signs erected within five feet of an exterior wall in which there are openings within the area of the sign shall be constructed of noncombustible material or approved plastics.

(G) *Marquees*: These structures, permitted under the building code, are not considered part of the sign area; however, any lettering area permanently placed on the face of the marquee must be deducted from the total allowed sign area.

(H) *Awning signs*: Signs incorporated into the non-ridged cover of a permitted awning or signs which do not project below the face of the awning and the support frame may project more than two feet into a street right-of-way. These signs are subject to a public hearing and approval of a conditional use by the Planning Commission in accordance with the provisions of Article 6 and Article 10 of the Seaside Zoning Ordinance. All signage will be counted against the sign area prescribed in § 155.15.

(Ord. 88-2, passed 3-28-88; Am. Ord. 2002-06, passed 6-11-02)

§ 155.17 SIGNS ALLOWED WITHOUT A PERMIT (EXEMPT).

The following signs are not regulated by this chapter unless otherwise stipulated:

(A) Signs placed by the city or other informational signs placed by the Oregon State Highway Division.

(B) Flags and insignia of national, state or local governments.

(C) Signs of a temporary nature located completely within a commercial building.

(D) Temporary political signs not exceeding ten square feet, provided the signs are erected no more than 30 days prior to and removed within ten days following the election for which they are intended. If the sign is not removed within the allotted time period the campaign's treasurer will be subject to penalties listed in § 155.92. (Signs must be located on private property.)

(E) Temporary, non-illuminated real estate (no more than one per tax lot) or construction and subdivision signs not exceeding six square feet in residential zones or 32 square feet in commercial and

industrial zones. Real estate signs must be removed within 15 days from the sale, lease or rental of the property. Construction and subdivision signs must be removed within seven days of completion of the project. (Signs must be located on private property.)

(F) Name plates indicating the name, address or profession of the occupant, not exceeding one square foot.

(G) Temporary, off-premise, directional, open house, real estate signs, provided such signs do not exceed six square feet in size, and are located on private property, and are up only during the actual open-house hours.

(H) Signs painted, attached, or otherwise incorporated on the vertical portion of an awning on a commercial building but not exceeding eight-inch lettering on the border.

(I) Banners, but the square footage will be computed as part of the allowed signage.

(J) Open signs, or parking directional signs, not exceeding one square foot in size.

(K) Bank card signs, gas prices and similar signs not exceeding six square feet in a Commercial-Industrial Zone, limited to one sign per street frontage.

(L) Minor maintenance and repairs to existing signs or for changes in sign copy for conforming signs.

(M) Signs for directing traffic flow where such sign(s) are not visible from a public right-of-way or approved private road/right-of-way. Visibility must be obstructed by a permanent structure rather than vegetation.

(Ord. 88-2, passed 3-28-88; Am. Ord. 88-25, passed 12-21-88; Am. Ord. 91-16, passed 6-24-92; Am. Ord. 96-18, passed 10-28-96; Am. Ord. 2002-06, passed 6-11-02)

§ 155.18 EXCEPTIONS FOR SPECIAL SIGNS.

(A) Allowed for conditionally permitted uses authorized by the Planning Commission exclusive of zoning. The Planning Commission may authorize additional signage for uses authorized under a conditional use permit in accordance with Article 10 of the Seaside Zoning Ordinance. Signage for these uses may be permitted in excess of the area permitted under § 155.15 of this subchapter. Although these signs are normally approved at the time the conditional use is authorized, the following provisions apply to existing conditionally permitted uses without further review by the Planning Commission:

(1) RV and mobile home parks: In all existing RV and mobile home parks, the maximum size of a sign will be 32 square feet.

(2) Emergency service provider: Signs identifying the name and location of emergency health care providers that provide service on the site. Such signs shall not exceed one and one-half square feet of 2005 S-6 area for each linear foot of frontage of the building or 100 square feet in sign area which ever is least. Sign area shall include all borders, trims, structures and component parts surrounding the display surface.

(3) Schools, parks and recreational facilities.

(B) Murals or wall graphics: No wall graphics shall be permitted without Planning Commission approval.

(C) Temporary signs for new businesses or grand openings:

(D) The Building Official can issue a permit for a temporary sign for new businesses or for grand openings or other special events for a period not to exceed seven days; however, the permit can be extended to a maximum of 30 days. Temporary signs beyond 30 days require Planning Commission approval.

(Ord. 88-2, passed 2-38-88; Ord. 96-18, passed 10-28-96; Am. Ord. 2002-06, passed 6-11-02)

§ 155.40 [RESERVED.]**§ 155.50 PROHIBITED SIGNS.**

The following signs are prohibited:

(A) Flashing signs.

(B) Unofficial signs which purport to be, are an imitation of, or resembles an unofficial traffic sign or signal, and which attempt to direct the movement of traffic or hide from view any official traffic sign or signal.

(C) Signs or portion thereof obstructing any fire escape, stairway or standpipe; interferes with human exit through any window of any room located above the first floor of any building; obstructs any door or required exit from any building; or obstructs any required light or ventilation.

(D) A sign or portion thereof extending beyond any property line of the premises on which such sign is located unless specifically permitted under this chapter.

(E) Roof signs projecting above the roof peak unless specifically permitted under this chapter.

(F) Signs painted directly upon the roof surface.

(G) Signs placed in any zone that would block vehicular vision clearance as defined in the Zoning Ordinance of Seaside unless the top of the sign does not extend more than two and one-half feet above the curb line or street center line if no curb exists.

(Ord. 88-2, passed 3-28-88; Am. Ord. 88-25, passed 12-21-88; Am. Ord. 96-18, passed 10-28-96; Am. Ord. 2002-06, passed 6-11-02; Am. Ord. 2007-14, passed 10-8-07)

§ 155.60 ESTABLISHMENT OF SIGN PERMITS.

A sign permit is required in each of the following instances.

(A) Upon the erection of any new sign except exempted signs.

(B) To alter an existing sign.

(C) To erect a temporary sign for a new business or grand opening subject to § 155.18 but no fee will be required.

(Ord. 88-2, passed 3-28-88; Am. Ord. 2002-06, passed 6-11-02)

§ 155.70 REQUIRED INFORMATION FOR A SIGN PERMIT.

For the purposes of review by the Building Official, a drawing to scale shall be submitted which indicates the location of all signs and sign structures (plot plan), material, color, texture, dimensions, shape, relation and attachment to building and other structures, structural elements of the proposed sign,

Seaside - Land Usage

and the size and dimensions of any other signs located on the applicant's building or property. (Ord. 88-2, passed 3-28-88; Am. Ord. 2002-06, passed 6-11-02)

§ 155.80 REQUIRED CONFORMANCE FOR NON-CONFORMING SIGNS.

All existing A-frame or sandwich board signs shall conform to this chapter within one year of the effective date of Ordinance 2002-06. Failure to comply within the stated time period will be justification for the City of Seaside to order the sign removed. If the sign owner fails to bring the sign into compliance or remove it, the city shall remove the sign, and all costs incurred, not paid within 30 days of billing, shall be collected from the business owner in any manner prescribed by law. (Am. Ord. 2002-06, passed 6-11-02)

§ 155.90 UNSAFE OR ILLEGAL SIGNS.

If the Building Official finds that a sign has been erected without permit or is unsafe, or a sign permit has been issued in violation of this chapter, he shall cause the sign to be removed as follows:

(A) If in the opinion of the Building Official, a sign is determined to cause an immediate danger to life, limb, or property, the Building Official must first attempt to find the person responsible for the sign and require its immediate removal or repair. If the responsible person(s) are unable to be located, the Building Official shall cause the sign to be removed or repaired and charge all costs to the responsible parties in addition to the penalties prescribed in § 155.92.

(B) The Building Official shall be given written notice to the permittee or owner of any sign erected or established under a sign permit but carried out in violation of the permit or this sign ordinance, that the sign must be removed or altered within seven days. Failure to remove or alter said signs as directed shall subject the permittee or owner to the penalties prescribed in this title. (Am. Ord. 2002-06, passed 6-11-02)

§ 155.91 SIGN PERMIT FEES.

Fees to be paid prior to the erection, alteration, or structural repair (excluding minor maintenance) of a sign.

0 - 25 square feet	\$50
26 square feet and over	\$100

The fee for any sign which is erected without a sign permit shall be double the regular sign fee.

Plan check fee, equal to 65% of the sign permit fee, shall be required. (Ord. 88-2, passed 3-28-88; Am. Ord. 93-32, passed 9-13-93; Am. Ord. 96-13, passed 4-22-96; Am. Ord. 2002-06, passed 6-11-02)

§ 155.92 ENFORCEMENT.

The Building Official is hereby authorized and directed to enforce all the provisions of this code. For such purpose he shall have the powers of a law enforcement officer.

A person violating a provision of this chapter shall, upon conviction, be punished by a fine of not more than \$150. A violation of this chapter shall be considered a separate offense for each day the violation continues. (Ord. 88-2, passed 3-28-88; Am. Ord. 2002-06, passed 6-11-02)

§ 155.93 ABATEMENT OF SIGNS.

(A) *Abandoned signs.* All signs pertaining to businesses or occupants whose products or services have ceased to be offered to the public on the premises shall be removed within 30 days.

(B) *Abatement of nuisance signs.* The following signs are hereby declared a public nuisance and shall be removed or the nuisance abated within 30 days.

- (1) Illegal signs. (Am. Ord. 2002-06, passed 6-11-02)

§ 155.94 BOARD OF APPEALS AND VARIANCES.

To provide for reasonable interpretation of this chapter, and in certain instances where this chapter will produce hardship, a variance may be granted. The sign owner shall demonstrate that the situation is unique and that by complying with the ordinance he will suffer substantial hardship. The owner cannot be granted any special privilege which would result in advantages over his neighbors.

The Planning Commission shall hear all appeals and requests for variances, and a variance from the terms of this chapter shall not be granted by the Planning Commission unless and until all of the following conditions are met:

(1) A public hearing is held in the manner proscribed in the Seaside Zoning Code.

(2) The sign owner must demonstrate by written application that all of the following circumstances exist.

(a) That exception or extraordinary circumstances apply to the property or business which do not apply generally to other properties or businesses in the vicinity.

(b) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties or businesses in the same district under the terms of this chapter.

(c) That the variance requested is the minimum variance which will make possible the reasonable use of the property and still meet the intent of the ordinance.

(d) An application for a sign variance shall be accompanied by a filing fee of \$50.

NOTE: Off-premises signs visible from Roosevelt/Highway 101 need a state permit.
(Ord. 88-2, passed 3-28-88; Am. Ord. 2002-06, passed 6-11-02)

(2) The sign owner must demonstrate by written application that all of the following circumstances exist.

(a) That exception or extraordinary circumstances apply to the property or business which do not apply generally to other properties or businesses in the vicinity.

(b) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties or businesses in the same district under the terms of this chapter.

(c) That the variance requested is the minimum variance which will make possible the reasonable use of the property and still meet the intent of this chapter.

(d) An application for a sign variance shall be accompanied by a filing fee of \$50.

NOTE: Off-premises signs visible from Roosevelt/Highway 101 need a state permit. (Ord. 88-2, passed 3-28-88; Am. Ord. 2002-06, passed 6-11-02)

§ 155.39 ENFORCEMENT

The Building Official is hereby authorized and directed to enforce all the provisions of this code. For such purpose he shall have the powers of a law enforcement officer.

(Ord. 88-2, passed 3-28-88; Am. Ord. 2002-06, passed 6-11-02) Penalty, see § 155.99

§ 155.40 ABATEMENT OF SIGNS.

(A) *Abandoned signs.* All signs pertaining to businesses or occupants whose products or services have ceased to be offered to the public on the premises shall be removed within 30 days.

(B) *Abatement of nuisance signs.* The following signs are hereby declared a public nuisance and shall be removed or the nuisance abated within 30 days: Illegal signs.

(Am. Ord. 2002-06, passed 6-11-02) Penalty, see § 155.99

§ 155.99 PENALTY.

A person violating a provision of this chapter shall, upon conviction, be punished by a fine of not more than \$150. A violation of this chapter shall be considered a separate offense for each day the violation continues.

(Ord. 88-2, passed 3-28-88; Am. Ord. 2002-06, passed 6-11-02)

ORDINANCE NO. 2007-14

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING THE CODE OF SEASIDE CHAPTER 155 MAKING SPECIFIC MODIFICATIONS TO THE CITY OF SEASIDE SIGN ORDINANCE.

WHEREAS, the City of Seaside Planning Commission has heard a number of requests to make modifications to the City's sign ordinance in conjunction with specific requests for signage under current city ordinance; and

WHEREAS, the City of Seaside Planning Commission is the body that is responsible for hearing and determining the outcome of variance requests under the sign ordinance; and

WHEREAS, the Commission believes that making a number of modifications to the sign regulations is appropriate and referable to considering additional variance requests under the provisions of the ordinance; and

WHEREAS, the City Council is the appropriate body to review and approve amendments to the City of Seaside sign ordinance.

NOW, THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

SECTION 1. The definition of Electronic Readerboard in Section 155.03 shall be amended as follows:

13. **ELECTRONIC READERBOARD:** A sign on which display can be altered electronically by using patterns of lights. This sign may be changed at intervals of no less than ~~thirty-one~~ **and one half (1.5)** seconds and may contain only one screen of text or graphic display. The illumination shall be by steady continuous light.

SECTION 2. The provisions for roof signage in Commercial and Industrial Zones in Section 155.15 (A) shall be amended to include the following:

4. Roof signs must comply with the following provisions:

a. The signs must be attached to an exterior façade such that it appears to be an integrated part of the exterior wall of the building.

b. The sign area may not extend more than 8 feet above the apparent roof line of the building that is visible from the street the sign faces; however, no sign may exceed the allowable height of the building within the district in which it is located.

ORDINANCE NO. 2007-14

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING THE CODE OF SEASIDE CHAPTER 155 MAKING SPECIFIC MODIFICATIONS TO THE CITY OF SEASIDE SIGN ORDINANCE.

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WHEREAS, the City of Seaside Planning Commission is the body that is responsible for hearing and determining the outcome of variance requests under the sign ordinance; and

WHEREAS, the Commission believes that making a number of modifications to the sign regulations is appropriate and referable to considering additional variance requests under the provisions of the ordinance; and

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SECTION 2. The provisions for roof signage in Commercial and Industrial Zones in Section 155.15 (A) shall be amended to include the following:

4. Roof signs must comply with the following provisions:

a. The signs must be attached to an exterior façade such that it appears to be an integrated part of the exterior wall of the building.

b. The sign area may not extend more than 8 feet above the apparent roof line of the building that is visible from the street the sign faces; however, no sign may exceed the allowable height of the building within the district in which it is located.

c. The sign area on the façade cannot cover more than 50% of the total façade area.

SECTION 3. The provisions for signage in Residential Commercial Zones in Section 155.15 (C) 2 shall be amended to read as follows:

c. The sign area on the façade cannot cover more than 50% of the total façade area.

SECTION 3. The provisions for signage in Residential Commercial Zones in Section 155.15 (C) 2 shall be amended to read as follows:

2. Residential Commercial: Non residential uses in the Residential Commercial zone which front on ~~Holladay Drive or Roosevelt Drive~~ are permitted 1 and 1/2 square feet of sign area for each linear foot of **business building street frontage** with a maximum of **two hundred (200) square feet**. **No more than fifty (50) square feet of sign area may face streets other than Roosevelt.**

SECTION 4. The Prohibited Sign prohibited in Section 155.50 (E) shall be amended to read as follows:

- E. Roof signs projecting above the roof peak **unless specifically permitted under this ordinance.**

ADOPTED by the City Council of the City of Seaside on this ____ day of ____, 2007, by the following roll call vote:

YEAS:
NAYS:
ABSTAIN:
ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ____ day of ____, 2007

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

E. Roof signs projecting above the roof peak **unless specifically permitted under this ordinance.**

ADOPTED by the City Council of the City of Seaside on this ___ day of ___, 2007, by the following roll call vote:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ___ day of ___, 2007

DON LARSON, MAYOR

ATTEST:

Mark J. Winstanley, City Manager

ORDINANCE NO. 2002 - 15

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to outdoor lighting on public and private property; adding a new Chapter 15.34 to the Bainbridge Island Municipal Code; amending Section 1.26.010; and repealing Section 16.08.080 of the Bainbridge Island Municipal Code.

WHEREAS, the City has determined that the provisions contained in this Ordinance will protect the historical legacy of the night sky, and provide enjoyment of the night sky in the City for future generations; and

WHEREAS, the City has determined that the provisions contained in this Ordinance are intended to encourage through the regulation of the types, kinds, construction, installation, and uses of outdoor electrically powered illuminating devices, lighting practices, and lighting systems that reduce costs and conserve energy and resources, and help protect natural resources; and

WHEREAS, the City wishes to maintain safety, health, security, and productivity, while enhancing nighttime enjoyment of property within its jurisdiction; and

WHEREAS, the City has determined that the provisions contained in this Ordinance will encourage awareness by improving access to the City's lighting codes, through code coordination and consolidation into one Ordinance; now therefore,

**THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND,
WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. A new Chapter 15.34 is added to the Bainbridge Island Municipal Code as follows:

Chapter 15.34

OUTDOOR LIGHTING ON PUBLIC AND PRIVATE PROPERTY

15.34.010 Purpose

15.34.020 Definitions

15.34.030 Applicability

15.34.040 Exemptions - Decision Criteria

15.34.050 General Standards

15.34.060 Further Restrictions

15.34.070 Submittals

15.34.080 Penalties for Violations

15.34.090 Severability

15.34.100 Figures

15.34.010 Purpose. The purpose of this Chapter is to provide regulations that preserve and enhance the view of the dark sky; promote health, safety, security, and productivity; and help protect natural resources. The provisions of this Chapter are intended to control glare and light trespass. It is the intent of this Chapter to provide standards for appropriate lighting practices and systems that will enable people to see essential detail in order that they may undertake their activities at night, facilitate safety and security of persons and property, and curtail the degradation of the nighttime visual environment.

15.34.020 Definitions. The following terms have the following definitions for purposes of this Chapter:

- A. "Accent lighting" means any luminaire that emphasizes a particular object or draws attention to a particular area for aesthetic purposes.
- B. "Cut-off angle" (of a luminaire) means the angle, measured from the lowest point between a vertical line from the center of the lamp extended to the ground and the first line of sight at which the bare source is not visible.
- C. "Director" means the Director of the Department of Planning and Community Development.
- D. "Fixture" (also called a "Luminaire") means a complete lighting unit including the lamps, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.
- E. "Foot-candle" means a measure of illuminance or a measure of how bright a light appears to the eye. One foot-candle is equal to one Lumen/ft². As an example, a typical 60-watt incandescent lamp (840 lumens) produces an illuminance of 0.1 foot-candles at a distance of about 25 feet.
- F. "Fossil fuel light" means any outdoor lighting fixture producing light directly by the combustion of natural gas or other fossil fuel.
- G. "Lamp" means the light-producing source installed in the socket portion of a luminaire.
- H. "Light pollution" means general sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see the natural night sky.
- I. "Light trespass" means any light emitted by an outdoor luminaire that shines directly beyond the property on which the luminaire is installed, or indirectly shines beyond the property on which the luminaire is installed at a brightness (illuminance) that exceeds 0.1 foot-candles at the property line.
- J. "Luminaire" - see definition for "Fixture. "
- K. "Outdoor lighting fixture" means a luminaire outside of an enclosed building or structure or any luminaire directed such that it primarily illuminates outdoor areas.
- L. "Shielding" means that no light rays are emitted by a fixture above the horizontal plane running through the lowest point of the fixture.

M. "Spotlight" means any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

15.34.030 Applicability.

A. All outdoor lighting fixtures installed on private and public property shall comply with this Chapter. This Chapter does not apply to interior lighting; provided, that if it is determined by the Director that any interior lighting emitting light outside of the building or structure in which it is located creates a light trespass, the interior lighting shall be subject to the requirements of this Chapter. Types of outdoor lighting to which this Chapter applies include, but are not limited to lighting for:

1. Building and structures including, but not limited to, overhangs and canopies.
2. Recreational areas.
3. Parking lot lighting.
4. Landscape lighting.
5. Lighting on docks and piers, unless otherwise regulated by BIMC 16.12
6. Street lighting.

B. The City's Department of Planning and Community Development shall administer and enforce this Chapter.

C. In the event of a conflict between the requirements of this Chapter and any other requirement of the Bainbridge Island Municipal Code the more restrictive requirement shall apply.

15.34.040 Exemptions.

A. The following are exempt from the provisions of this Chapter:

1. Traffic control signals and devices.
2. Street lights installed prior to the effective date of this Chapter, provided that when a street light fixture becomes inoperable, any replacement street light fixture shall be subject to the provisions of this Chapter.
3. Temporary emergency lighting (i.e. fire, police, repair workers) or warning lights.
4. Moving vehicle lights.
5. Navigation lights (i.e. radio/television towers, docks, piers, buoys) or any other lights where state or federal statute or other provision of the Bainbridge Island Municipal Code requires lighting that cannot comply with this Chapter. In such situations, lighting shall be shielded to the maximum extent possible, and lumens shall be minimized to the maximum extent possible, while still complying with state or federal statute.
6. Seasonal decorations do not have to be shielded, provided that they do not have a brightness of more than 0.1 foot-candles at the property line on which they are installed.

7. Outdoor lighting approved by the Director for temporary or periodic events (e.g. fairs, nighttime construction).
8. Internally and externally illuminated signs regulated by BIMC 15.08.

+++Adding sign section: SIGNAGE

All illuminated signs must be lighted internally or lighted by top-mounted lights pointed downward. No sign may be illuminated with fixtures not shielded from upward transmission of light. Off-premise signs must be turned off after 10:30 p.m., and on-site signs turned off upon closing if after 10:30p.m.

9. Fossil fuel lights.

10. All **other** existing lights **lawfully installed prior to the enactment of this ordinance unless they are create nuisance glare.** ~~in use before 9:00 p.m., provided that no more than .1 footcandle of direct light shines off the subject property, as measured at the property line.~~

Add to Enumerated Nuisances

Section 1 - Definitions

Glare: The sensation produced by luminances within the visual field that are sufficiently greater than the luminance to which the eyes are adapted, which causes annoyance, discomfort, or loss in visual performance and visibility.

Objectionable Direct Glare Source: Glare resulting from excessive levels of illuminance or insufficiently shielded light sources emanating from light fixtures in the field of view where the lens, lamp or reflector is offensively visible above a height of five (5) feet at a property line or a public roadway.

Section 3 - Declaration of Findings and Policy

Whereas an objectionable direct glare source can be potentially hazardous to motorists, cyclists or pedestrians by causing discomfort and fatigue or reducing vision especially with the aged, and

Whereas such direct glare can also affect performance by distracting attention, and whereas the people have a right to, and should be ensured of, an environment free of any such existing invasive nuisance.

Now therefore, it is the policy of (municipality) to prevent any such existing objectionable glare as follows:

A. Light fixtures, which cause an objectionable direct glare source to be visible above a height of five (5) feet from streets or parking lots within the field of view of motorists, cyclists or pedestrians, shall be either shielded or repositioned within ninety (90) days of notification to avoid any potential hazard to such motorists, cyclists or pedestrians.

15.34.050 General Standards. The following general standards shall apply to all non-exempt outdoor lighting fixtures and accent lighting:

A. All light trespass is prohibited.

B. Outdoor lighting fixtures and accent lighting must be shielded and aimed downward. Examples of acceptable and unacceptable light pollution control shielding are shown in Figures 1 through 4 in BIMC 15.34.100. The shield must mask the direct horizontal surface of the light source. The light must be aimed to insure that the illumination is only pointing downward onto the ground surface, with no escaping direct light permitted to contribute to light pollution by shining upward into the sky.

C. All outdoor lighting fixtures and accent lighting shall be designed, installed, located and maintained such that there is no light trespass (See Figure 3 in BIMC 15.34.100). D. Outdoor lighting fixtures and accent lighting shall not directly illuminate public waterways such as Puget Sound, even if the tidelands are privately owned, unless it is a navigational light subject to state or federal regulations.

E. Accent lighting shall be directed downward onto the illuminated object or area and not toward the sky or onto adjacent properties (See Figure 4 in BIMC 15.34.100). Direct light emissions of such accent lighting shall not be visible above the roof line or beyond the building, structure, or object edge.

F. Spotlighting on landscaping and foliage shall be limited to 150 watts incandescent (2220 lumens output).

15.34.60 Prohibited

A. The following fixtures (luminaires) are prohibited:

1. Searchlights for any other purpose other than temporary emergency lighting.
2. Laser lights or any similar high-intensity light for outdoor use or entertainment, when projected above the horizontal plane.
3. Quartz lamps
4. Mercury vapor lamps

B. The City reserves the right to further restrict outdoor lighting including, but not limited to, pole height, and level of illumination, when it is deemed to be in the best public interest consistent with the purpose of this Chapter.

15.34.070 Submittals. All building permit applications including the installation of outdoor lighting fixtures shall provide evidence of compliance with the requirements of this Chapter on a form provided by the Department of Planning and Community Development.

15.34.080 Penalties for violation. Any violation of the provisions of this Chapter shall constitute a civil infraction, enforceable pursuant to BIMC 1.26, Code Enforcement.

15.34.090 Severability. If any clause, sentence, paragraph, section or part of this Chapter or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was

rendered and shall not affect or invalidate the remainder of any part thereof to any other person or circumstances.

Section 15.34.100 Figures of acceptable shielding and direction of outdoor light fixtures. The following four figures illustrate acceptable and unacceptable outdoor lighting fixtures in the City.

Figure 1: Wall mounted lights.

Figure 2: Free standing outdoor lighting fixtures.

Figure 3: Outdoor lighting fixtures - Street and lot light cut-off at property line.

Figure 4: Accent lighting.

Figure 1. Wall mounted lights. Figure 2. Free standing outdoor lighting fixtures. Figure 3. Outdoor lighting fixtures - Street and lot light cut-off at property line. Figure 4. Accent lighting. Section 2. BIMC 16.08.080 is repealed.

Section 3. Section 1.26.010 of the Bainbridge Island Municipal; Code is amended to read as follows:

1.26.010 Applicability of chapter. The provisions of this chapter shall apply to enforcement of Title 18 and Chapters 16.20, 16.22, 15.34 and 15.04 of this code, with the exception of Sections 15.04.090 and 15.04.110 and the Uniform Fire Code adopted by reference in Section 15.04.020. For purposes of this chapter, such titles and chapters shall be referred to as "the applicable chapters and titles of this code."

Section 4. This ordinance shall be effective on January 1, 2003.

PASSED by the City Council this 14th day of August, 2002.

APPROVED by the Mayor this 15th day of August, 2002.