

An Ordinance of the Haines Borough amending Haines Borough Code Chapter 18.90 to revise and clarify sign regulations.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Purpose. This ordinance revises Title 18 to amend and clarify the borough's signage regulations. Chapter 18.90 of the Haines Borough Code is hereby amended to read, as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

Sections:

18.90.010 Purpose **and intent**.

18.90.020 Applicability – Effect.

18.90.030 Severability.

18.90.040 Substitution.

~~18.90.030~~**050** Permits.

~~18.90.040~~**060** Number of signs.

~~18.90.050~~**070** Required setback, placement, construction and lighting standards.

~~18.90.060~~**080** Signs exempt from regulation under this chapter.

18.90.090 Repairs, rebuilding and proper securing of signs.

18.90.100 Removal of signs.

~~18.90.070~~**110** Prohibited signs.

~~18.90.080~~**120** Sign standards – Significant structures area zone.

~~18.90.090~~**130** Sign standards – Commercial, waterfront, waterfront industrial, heavy industrial, light industrial/ commercial, rural mixed use and multiple use zones.

~~18.90.100~~**140** Sign standards – Single residential, rural residential and multiple residential zoning districts.

~~18.90.110~~**150** Sign area computations.

18.90.160 Definitions.

18.90.010 Purpose **and intent**.

The purpose of these sign regulations is to encourage the effective use of signs as a means of communication in the borough; to maintain and enhance the aesthetic environment; to ensure the business community quality signs to adequately identify and market their businesses; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on adjacent public and private property; and to enable the fair and consistent enforcement of these sign regulations.

A. The purpose and intent of this chapter shall be the following:

1. To regulate the number, location, size, type, illumination and other physical characteristics of signs within the borough to promote public health, safety, and welfare.

2. To improve the visual appearance of the borough while providing for the effective means of communication, consistent with constitutional guarantees and the borough's goals of public safety and aesthetics.

3. To minimize the possible adverse effect of signs on adjacent public or private property.

4. To provide for the fair and consistent enforcement of the provisions within this chapter.

B. It is not the purpose or intent of this chapter to regulate a sign's subject matter, topic, function, or purpose. Nor is it the purpose or intent of this chapter to discriminate between similarly situated speakers, to discriminate between events, or to discriminate between messages or viewpoints.

C. The provisions within this chapter are not intended to regulate any building design or any display not defined as a sign, or any sign that cannot be viewed from the outside of a building. Nor are these regulations intended to apply to signs erected, maintained, or otherwise posted, owned, or leased by this state, the federal government, or the Haines Borough. The inclusion of "government" in describing some signs does not intend to subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation.

18.90.020 Applicability – Effect.

All signs erected, constructed, altered or replaced in the townsite planning/zoning district must comply with the requirements of this chapter.

A. A sign may be erected, mounted, displayed, or maintained in the townsite planning/zoning district if it is in compliance with the provisions of this chapter. The effect of this chapter is to:

1. Allow a wide variety of sign types as appropriate for the various areas within the townsite planning/zoning district, subject to the standards set out in this chapter;

2. Allow certain small, unobtrusive signs incidental to the principle use of a site in all areas within the townsite planning/zoning district when in compliance with the provisions of this chapter;

3. Provide for the administration and enforcement of the provisions within this chapter

B. There shall be no variances from the requirements of this chapter.

18.90.030 Severability.

This chapter shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this chapter is held to be invalid by a court of competent jurisdiction, the remainder shall continue in full force and effect.

18.90.040 Substitution.

The owner of any sign that is otherwise allowed by this chapter may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

18.90.030050 Permits.

A. All signs require a permit issued by the borough unless exempted by HBC 18.90.060. A permit application for a sign may be considered part of a land use permit application or may be considered separately. There shall be a fee for a sign permit application if considered separately. **Fees associated with signs shall follow the fee structure as set forth in HBC 18.30.070.**

B. Sign permit applications shall include plans for all signs to be placed. The plans shall illustrate sign elevations, cross sections, dimensions, placement, materials and lighting, or any similar information.

C. A sign's subject matter, topic, function, purpose, message or viewpoint shall not be considered when determining whether to approve or deny a sign permit. Nor shall the identity of the speaker, or the type of event advertised, if applicable, be considered when approving or denying a sign permit.

~~C.D.~~ **A-The borough will review a** sign permit application will be reviewed and either approved or disapproved **deny the permit** by the manager within 10 working days after receipt of a complete application.

18.90.040060 Number of signs.

A. The number of allowable signs per business shall be limited to four and shall include all wall-mounted, projecting, portable or freestanding signs. Each business shall be limited to one freestanding sign.

B. Each separate business in a building containing more than one business shall be allowed up to four signs, provided the total sign area per building wall does not exceed the maximum sign area allowed for that building wall.

C. Projecting Signs. The number of projecting signs per business shall be limited to two, each having no more than two sign faces.

18.90.050070 Required setback, placement, construction and lighting standards.

A. All signs shall be located so as to achieve their purpose without constituting a hazard to vehicles or pedestrians.

B. Projecting Signs. No part of a projecting sign shall extend within three feet of a street curb or traveled way. If hung under a canopy, marquee or awning, a projecting sign shall have no less than seven feet of clearance between the bottom of the sign and the sidewalk. Projecting signs shall not extend above the building roof peak or eave.

C. Freestanding and Portable Signs. Freestanding and portable signs shall not be located so that they obscure traffic or sight angles at intersections or driveways, or in any location prohibited by state regulation.

D. Off-premises signs are allowable by approval of the borough manager, except as allowed by HBC 18.90.090130(A)(8).

E. All permanent signs shall be constructed of rigid, permanent and weather-resistant materials.

18.90.060080 Signs exempt from regulation under this chapter.

The following signs shall be exempt from regulation under this chapter, ~~provided these signs, if placed on private property, conform to the setback and placement standards set forth in HBC 18.90.050:~~ **These exemptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same.**

A. Signs required by law, ~~or temporary signs serving as public notice of a public event;~~

B. Works of art, including murals, that do not contain a commercial message **Government signs, including signs erected, maintained, or otherwise posted, owned, or leased by this state, the federal government, or the Haines Borough;**

C. Holiday lights or decorations **Signs 6 square feet or less in size displayed on private property;**

~~D. Traffic control, parking, directional or informational signs or devices, provided they contain no commercial message~~ **Freestanding and portable signs, including sandwich board signs, six square feet or less in size displayed no longer than 2 days on public property such as a sidewalk, alley, or right of way, providing the placement of the sign does not conflict with the provisions set forth in HBC 12.16.010;**

~~E. Real estate signs up to six square feet advertising the sale, lease or rental of property upon which they are placed;~~

~~F. Temporary display w~~**Window signs displayed** on the interior surface of windows;

F. Nonconforming signs placed prior to borough consolidation;

~~G. Permanent signs in existence before June 19, 1996. Such signs shall not be replaced, moved, enlarged, altered, or reconstructed except in compliance with this chapter;~~

~~H. Political signs up to 24 square feet in area displayed on private property. Such signs may be erected no more than 60 days prior to the election date and must be removed no later than seven days following the election date;~~

~~I. Small informational signs up to six square feet related to the operation of a business, such as "Open/Closed" or credit card signs;~~

~~J. Construction signs not exceeding 32 square feet erected during construction, alteration or repair of a structure;~~

~~K. Signs of less than two square feet giving information about a residential building or its occupants;~~

~~L. Signs on vehicles used for commercial purposes containing information related to the vehicle's commercial use. Vehicle signs shall be attached to the surface of the vehicle and shall not project from the vehicle surface more than the sign thickness. Vehicle signs include painted or magnetic signs;~~

~~M. Temporary signs used to advertise casual and isolated sales not made in the regular course of business. Such signs shall be located on private property and utilized only while the items for sale are available on that site. No more than one sign shall be allowed on the site for this purpose. The sign shall be portable, no larger than 16 square feet in area, shall not include the name of any business, but may show the name of a product for sale. The sign shall be removed from the site at the end of the business day. No temporary sign exempted under this subsection shall be allowed for more than two consecutive days at any one site.~~

18.90.090 Repairs, rebuilding and proper securing of signs.

The borough shall provide proper notice for the repair, rebuild, or proper securing of any sign determined to be unsafe within the townsite planning/zoning district. The notice shall identify the deficiency, provide contact information to appeal the determination, and provide the sign's owner or the owner of the grounds upon which the sign is displayed 30 days to correct the deficiency, after which the sign may be removed at the owner's expense. Unsafe signs shall be repaired, rebuilt or secured in compliance with the provisions of this Chapter, and upon issuance of a permit by the manager if applicable.

18.90.100 Removal of signs.

The manager shall provide a notice of 10 business days for the removal of any sign not in compliance with this Chapter. The notice shall identify the noncompliant issue, provide contact information to appeal the determination, and provide notification the sign's removal may be at the expense of the sign's owner or owner of the grounds upon which the sign is displayed after 10 business days.

18.90.070~~110~~ Prohibited signs.

The following signs are prohibited in the borough in areas where signs are regulated:

A. Beacons;

B. Pennants, except for temporary uses of **if displayed for** no more than 10 **calendar** days;

C. Signs which extend more than four feet above the roof of a building measured from the elevation of the roof where the sign is attached. The top of the sign shall not exceed the 30-foot building height restriction;

D. Flashing or blinking signs **that create a hazard to the public as described in HBC Title 8;**

E. ~~Portable signs on public property such as streets, sidewalks, alleys and other public property, including sandwich signs, with the following exception:~~

~~1. Until such time as the borough assembly shall determine that traffic patterns have changed rendering this exception no longer advisable, Portage Street, in the significant structures area, shall be exempt from this prohibition; provided, that the portable sign is placed no closer than three feet from the curb, is adjacent to the property on which the business advertised on the sign is located and meets all other requirements of this chapter;~~

~~F. Inflatable signs and tethered balloons;~~

~~G.F. Temporary signs made of paper or such other temporary material **displayed for more than 48 hours.** Manufactured signs made of Tyvek, plastic or similar materials are allowed if they are attached securely to a building, they are maintained in good condition and their area is counted in the total sign area allowed for that building wall;~~

~~H. Signs advertising activities or products no longer offered on the premises. Such signs shall be removed within 90 days of the cessation of that business activity on that property;~~

~~I.G. Off-premise signs designed to be transported, towed or moved on wheels (see off-premises signs, **HBC 18.90.130(A)(8);**~~

~~J.H. Signs extending from a vehicle by more than the thickness of the sign;~~

~~K.I. Placement or distribution of handbills, flyers or bumper stickers on public property, except on public bulletin boards.~~

18.90.080**120** Sign standards – Significant structures area zone.

A. Allowed Signs.

1. Freestanding signs, provided the total height of the sign, including supports, is less than eight feet.

2. Projecting signs, provided they do not extend over public property.

3. Wall-mounted signs.

4. Portable signs.

5. Banners, as allowed by HBC 18.90.090**130(A)(7).**

B. Dimensional Standards. Total sign area per building wall shall not exceed five percent of the total square foot area of that building wall, or 16 square feet, whichever is greater.

C. Prohibited Signs. Neon, flashing, back-lit or internally lit signs, whether they are on the outside of the building or placed in a window.

D. Placement of Signs. In addition to the other placement standards of this chapter, signs in the SSA shall not be mounted on building roofs, extend above building eaves, or cover architectural features such as windows, doors or building trim.

18.90.090**130** Sign standards – Commercial, waterfront, waterfront industrial, heavy industrial, light industrial/ commercial, rural mixed use and multiple use zones.

A. Allowed Signs.

1. Freestanding signs, provided the total height of the sign, including supports, is the lesser of 16 feet or the height of the commercial building.

2. Projecting signs.

3. Wall-mounted signs.

4. Portable signs.

5. Neon signs mounted in windows.

6. Internally lit signs.

7. Banners announcing public, civic or nonprofit events, provided the banner also **it** receives approval of the State Department of Transportation if placed across a state highway, is placed no more than 15 days prior to the event and is removed within two days of the

completion of the event. Banners placed across a street shall maintain a clearance of 18 feet between the bottom of the banner and the street.

8. ~~Temporary off-premises signs, advertising community events sponsored by a public, civic or nonprofit organization;~~ provided, that such signage **larger than 10 sq.ft.** is in place for no longer than 10 **calendar** days. **Permanently placed off-premises signs 10 sq. ft. and less are restricted to directional information for a business, activity or product offered at a location within 400 ft. of the sign.**

B. Dimensional Standards. Total sign area per building wall shall not exceed 10 percent of the total square foot area of that building wall or 32 square feet, whichever is greater.

18.90.100**140** Sign standards – Single residential, rural residential and multiple residential zoning districts.

A. Allowed Signs.

1. Signs related to a conditional use; provided, that such signs do not exceed **up to** 16 square feet.

2. Signs four square feet or less.

B. Prohibited Signs. Lighted and projecting signs are prohibited.

18.90.110**150** Sign area computations.

The following principles shall control the computation of sign area.

A. Individual Signs. The area of a sign face, which is also the sign area of a wall sign or other sign with only one face, shall be that area of the smallest square, circle, rectangle, triangle or combination thereof that encompasses the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background or structure against which it is placed, but not including any supporting framework, bracing, fence or wall when such fence or wall is incidental to support of the sign.

B. Multi-Faced Signs. The sign area for a sign with more than one face shall be that area visible from one direction. When a sign has two identical faces placed back to back on the same sign structure, the sign area shall be the area of one of the faces.

C. Sign Area Computation/Placement. The total square foot area of all signs calculated for a building wall shall include all signs attached to or placed perpendicular from that side of the building, including wall-mounted, portable, projecting or freestanding signs. Freestanding signs not within the area perpendicular from a building wall shall be included in the square foot area calculation for the wall with the largest area on the same frontage as the freestanding sign.

18.90.160 Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

“Awning” means a roof-like cover, often of fabric, plastic, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning that also projects over a door shall be counted as an awning.

“Balloon” means a bag made of lightweight material supported by helium, hot or pressurized air that is greater than twenty-four (24) inches in diameter.

“Banner” means a strip of cloth, canvas, plastic sheet or similar type of material upon which a sign is painted, drawn, or otherwise affixed.

“Blinking sign” means a directly- or indirectly-illuminated sign that exhibits changing light or color effect by any means, so as to provide intermittent illumination that includes the illusion of intermittent blinking light by means of animation. Also any mode of lighting that resembles twinkling or sparkling.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy.

"Canopy" means a roof-like cover, often of fabric, plastic, metal, or glass on a support, that provides shelter over a doorway.

"Commercial copy" means a sign designed to advertise a message that aims at catching and holding the interest of the prospective buyer, and at persuading him or her to make a purchase.

"Commercial speech" means speech advertising a business, profession, commodity, service, or entertainment.

"Elevation" means the view of the side, front, or rear of a given structure.

"Erect" means an activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing, or any other way of bringing into being or establishing.

"Flashing sign" means a directly- or indirectly-illuminated sign that exhibits changing light or color effect by any means, so as to provide intermittent illumination that includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting that resembles zooming, twinkling, or sparkling.

"Freestanding sign" means any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

"Frontage" means the line of contact of a property with the public right-of-way.

"Government sign" means a sign that is constructed, placed, or maintained by the federal, state, or local government or a sign that is required to be constructed, placed, or maintained by the federal, state, or local government either directly or to enforce a property owner's rights.

"Height of sign" means the height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

"Illuminated sign" means any sign that contains an element designed to emanate artificial light internally or externally.

"Interior sign" means a sign that is located within the interior of any building, or within an enclosed lobby or court of any building.

"Marquee" means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.

"Non-commercial speech" means dissemination of messages not classified as Commercial Speech that includes, but is not limited to, messages concerning political, religious, social, ideological, public service, and informational topics.

"Non-commercial copy" means a sign that is not purposed for commercial messaging (see commercial copy).

"Nonconforming sign" means a sign which was lawfully erected, altered or maintained, but no longer conforms to the provisions of code.

"Off-premises sign" means a commercial speech sign that directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same premises where such business sign is located. For purposes of this chapter,

easements and other appurtenances shall be considered to be outside such platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.

"Owner of grounds" means the legal owner of property as officially recorded by the Haines Borough.

"Owner of sign" means the legal owner of a sign, including mounts, supports, sign face, and support structures.

"Permanent sign" means any sign that is manifestly designed to remain in a fixed position.

"Portable sign" means any sign that is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.

"Principal structure" means the building in which the principal primary use of the lot is conducted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal structures.

"Projecting sign" means any sign that is affixed to a building or wall in such a manner that its leading edge extends more than two (2) feet beyond the surface or such building or wall face.

"Public right-of-way" means the planned right of way for a public street.

"Roadway" means that portion of an improved surface designed or ordinarily used for vehicular travel, exclusive of the surface outside of the solid white lines identifying the berm or shoulder.

"Roadway shoulder" means that portion of the improved surface of a roadway contiguous with the traveled way that accommodates stopped vehicles, emergency use, and lateral support of the subbase, base and surface courses.

"Roof" means the exterior surface and its supporting structure on the top of a building or structure. The structural make-up of which conforms to the roof structures, roof construction and roof covering sections of this title.

"Sandwich board sign" means a sign made of two usually hinged boards designed for placement on the ground upon which is displayed a message on both outwardly facing sides of the boards.

"Sign" means any letter, word or symbol, poster, picture, statuary, reading matter, or representation in the nature of advertisement, announcement, message or visual communication, whether drawn, painted, posted, printed, affixed, or constructed, including all brackets, braces, supports, wires, and structures, which is displayed for informational or communicative purposes.

"Substitution of copy" means a sign or portion thereof with characters, letters, or illustrations that can be changed, rearranged or substituted without altering the face or the surface of the sign. Substitution of copy signs do not include signs upon which characters, letters or illustrations change or rearrange only once in a 24-hour period.

"Temporary sign" means a banner, pennant, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials that appears to be intended or is determined by the manager to be displayed for a limited amount of time.

"Unsafe" means any sign that is determined by the borough not to conform to the provisions set forth in HBC Title 8: Health and Safety.

"Vehicle" is a means of carrying or transporting something.

"Wall-mounted sign" means any building sign attached parallel to, but within two (2) feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

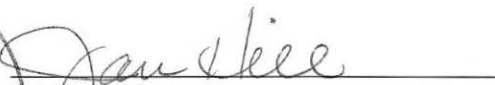
"Window sign" means any building sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 8TH DAY OF JANUARY, 2019.

ATTEST:


Alekka Fullerton, Borough Clerk




Jan Hill, Mayor

Date Introduced: 09/11/18
Date of First Public Hearing: 12/05/18
Date of Second Public Hearing: 01/08/19