

ORDINANCE NO. 2007-14
(Formerly 2005-36)

AN ORDINANCE relating to the display of political signs in the public right-of-way; adding a requirement that the permission of an abutting property owner must be obtained before a political sign is placed in the public right-of-way; and amending Section 15.08.095 of the Bainbridge Island Municipal Code.

WHEREAS, on August 3, 2005, the City Council passed certain amendments to Chapter 15.08 of the Bainbridge Island Municipal Code to permit the placement of political signs within the City rights-of-way under certain circumstances; and

WHEREAS, the Washington State Supreme Court, in *Collier v. Tacoma*, 121 Wn.2d 737, 761 (1993), stated that a city's interest in "aesthetics and traffic safety are sufficient to justify reasonable, content-neutral regulation of the noncommunicative aspects of political signs, such as size, spacing, and consent of the private property owner"; and

WHEREAS, the City Council desires to amend BIMC Chapter 15.08 to require that the permission of the adjacent/abutting property owner be obtained before a political sign is posted within the City right-of-way; now, therefore

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

Section 1. Section 15.08.095 of the Bainbridge Island Municipal Code is amended to read as follows:

"15.08.095 Political Signs.

A. Political Signs Not Allowed on Public Utility Poles or Public Buildings or Structures. It is unlawful for any person to paste, paint, affix or fasten a political sign on any utility pole, traffic control device, lamp post, or any other public building or structure.

B. Political Signs Within Public Right-of-Way. Subject to ~~paragraph B~~ section A above, political signs may be posted within public right-of-way only if the sign does not interfere with sight distances and does not create a vehicular or pedestrian traffic obstruction or hazard, and permission to place the sign in the right-of-way has been obtained from the abutting property owner. if that property owner has an underlying property interest in the right-of-way. Political signs in the right-of-way are limited to a maximum surface area of six square feet and a maximum height of five feet.

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLICATION DATE:
EFFECTIVE DATE:
ORDINANCE NO:

May 15, 2007
October 10, 2007
October 17, 2007
November 22, 2007
2007-14

Rosalind D. Lassoff
Rosalind D. Lassoff, CMC, City Clerk

ATTEST/AUTHENTICATE:

Darlene Kordonowy
Darlene Kordonowy, Mayor

APPROVED by the Mayor this 11th day of October 2007.

PASSED by the City Council this 10th day of October 2007.

Section 3. This ordinance shall take effect and be in force thirty days after its passage, approval and publication as provided by law.

Section 2. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

FD. The display of any political sign in violation of this section, or any portion or part thereof, shall be presumed to have been done at the direction and request of the campaign director or political candidate."

Section 1. A political sign promoting or publicizing candidates for public office or issues that are to be voted upon in a general or special election must be removed within ten seven days following an election; provided, that political signs promoting successful candidates in a primary election may remain displayed until ten seven days following the immediately subsequent general election. It shall be the responsibility of the campaign director or political candidate to have the signs removed in accordance with this section. If any sign is placed or allowed to remain in violation of this section, the City may remove the sign, and charge the expense of the removal to the campaign director or political candidate shall be liable to the City for all costs and expenses incurred by the City in removing and storing said sign.

C. Removal of Political Signs.