

Ordinance No. 751, 2004

Amending Clallam County Code, Chapter 9.21 Motorist Informational Signs to change chapter title to include chapter contents and to reflect procedural changes

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

**Chapter 9.21**

**MOTORIST INFORMATIONAL AND PRIVATE ROAD NAME SIGNS**

Sections:

- 9.21.010 Purpose.
- 9.21.020 Definitions.
- 9.21.030 Applicability.
- 9.21.040 Specific service or tourist informational sign.
- 9.21.050 Private road name sign.
- 9.21.060 Business eligibility.
- 9.21.070 Seasonal covers.
- 9.21.080 Density.
- 9.21.090 Private road name eligibility.
- 9.21.100 Illumination.
- 9.21.110 Permit process.
- 9.21.120 Installation and maintenance.
- 9.21.130 Sign placement.
- 9.21.140 Annual maintenance fees.
- 9.21.150 Grandfathered signs.
- 9.21.160 Revocation.
- 9.21.170 Termination.
- 9.21.180 Public nuisance.
- 9.21.190 Appeals.
- 9.21.200 Severability.
- 9.21.210 Effective date.

SOURCE:	ADOPTED:
Ord. No. 380, 1990	05/22/90

**9.21.010 Purpose.**

The purpose of this chapter is to provide motorists with adequate directional information to local private roads and to local qualified business by establishing standards for the type, design, placement, size, and maintenance of private road name signs and motorist information signs in, on or above any Clallam County road right-of-way. The chapter is designed to ensure traffic and pedestrian safety as well as enhance and promote the aesthetic appeal of all County roads.

**9.21.020 Definitions.**

The following terms when used in this chapter have the following meanings:

- (1) "Department of Public Works" means the Clallam County Department of Public Works.

(2) "Principal road" as referenced in this ordinance refers to State Route 101 or State Route 112.

(3) "Private road name" means any name approved and affixed by the County to any private road located within Clallam County excluding the incorporated cities of Sequim, Port Angeles, and Forks.

(4) "Specific service business" means any business lawfully established pursuant to State and local ordinances, including but not limited to zoning, building, health, or land division and providing one or more of the following services: gas, food, lodging, or camping or RV park.

(5) "Tourist-oriented business" means any business lawfully established pursuant to State and local ordinances, including but not limited to zoning, building, health, or land division and providing cultural, historical, recreational, educational, or entertaining activity or a unique or unusual commercial or nonprofit activity, the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

#### **9.21.030 Applicability.**

This chapter shall apply to and regulate all private road name signs and specific service or tourist informational signs located or being located in, on, or above any Clallam County road right-of-way. All other types of signs such as, but not limited to, political signs, real estate signs, for sale signs, general activities signs, or private road signs ~~not covered by this chapter~~ approved by the County will not be allowed.

#### **9.21.040 Specific service or tourist informational sign.**

Signs shall be in accordance with, but not limited to, general service type signs as noted in Chapter 2D-46 (D9-1 to 14 of the Manual on Uniform Traffic Control Devices, MUTCD) as modified by the most current Washington State revision.

Signs will be twenty-four (24) inches by thirty-six (36) inches or smaller and will have reflectorized white letters, symbols, and border on a reflectorized or opaque blue background for all activities except camping or recreational activities which will have a brown background. Some deviation in size and color may be allowed at the discretion of the Department of Public Works by special request at the time the permit application is applied for.

A business logo, which may consist of the business identification symbol, name, brand, trademark, or combination thereof, may be used. The sign will be the same as noted above but symbols or trademarks may be reproduced in the colors and general shapes consistent with their customary use.

#### **9.21.050 Private road name sign.**

Signs shall be six (6) inches high and rectangular in shape with a length to accommodate the full road name including conventional acceptable abbreviations for supplementary lettering to indicate type of street road (e.g., St., Ave., or Rd.) and/or direction (e.g., N. or S.) ~~with~~ An additional sign of the same dimensions with "PVT," to denote the road as being private, will be installed directly below the road name sign.

Lettering for the street road name will be four (4) inches high with supplementary lettering being two (2) inches high ~~including the PVT at the end~~. Letters will be a reflectorized white on a reflectorized or opaque green background.

Lettering for the "PVT" sign will be black and four (4) inches high on a reflectorized white background.

#### **9.21.060 Business eligibility.**

Specific service or tourist businesses to be eligible for sign placement must be located within five (5) miles of the principal road, not be visible from the principal road, and incorporate one or more of the following activities: gas, food, lodging, camping or RV park, recreation, or tourist-oriented business.

Service and business activities shall comply with the laws concerning the provisions of public accommodations without regard to race, religion, color, age, sex, or national origin, and laws concerning the licensing and approval of service or business facilities. Activities, generally, will conform to those standards listed in the WAC 468-70-050.

Some leeway may be allowed, at the discretion of the Department of Public Works, in the distance requirement from the principal road if no other similar activities are found within five (5) miles of the principal road.

#### **9.21.070 Seasonal covers.**

If a business, service, or activity is of a seasonal nature, provisions will be made by the permittee to cover the permitted signs during the off-season when the business, service, or activity is not in operation or use.

#### **9.21.080 Density.**

Signs pursuant to this chapter shall only be placed near intersections of public and/or private roads where information is required to direct motorists to qualified specific service or tourist-oriented businesses. The Department of Public Works may require signs to be grouped together on one sign and/or limit the number of individual signs on any one road.

Qualified businesses shall only be permitted to have one sign per business on an approved access route to the qualified business. Additional signs may be allowed for each intersection change required to direct the motorist to the qualified business. A secondary route to the business with signage may be approved by the Department if at the determination of the Department that the secondary route is served by a County arterial or collector which carries traffic which would serve such business without unduly impacting local traffic volumes.

#### **9.21.090 Private road name eligibility.**

A private road to be eligible for sign placement must meet the requirements set by CCC 19.40, Creation of a 911 Addressing System, ~~service one or more residents or commercial activities~~ and the road name chosen be acceptable to the majority of the property owners fronting or using the road as access to their properties. The road name must also be acceptable to the Department of Public Works and not conflict with any existing county, city, or private road name within the County.

To sign a private road the application must show a list of the property owners fronting the road or using the road for access to adjacent properties, ~~and have a signed petition showing a majority of the property owners agree to the name, and have a map that shows the location of the road being named~~. One property owner must be named on the application as being responsible for the rest of the owners and ensure all of the parts of this chapter are carried out.

#### **9.21.100 Illumination.**

Illumination, either direct or indirect, from the right-of-way or outside of the right-of-way will not be allowed on or for any sign covered by this chapter.

### 9.21.110 Permit process.

(1) Required. No person shall erect, relocate or otherwise construct or alter any sign in, on, or above any Clallam County road right-of-way without first obtaining an approved permit from the Department of Public Works of the County of Clallam, State of Washington. A separate permit will be required for each business entity but not for each sign for the same entity.

Each sign shall be listed on the permit. After the permit is approved no modification of the size, type, or location shall be allowed without the written permission of the Department of Public Works.

(2) Permit Application. Each permit application shall be filed with the Department of Public Works on a form provided by the Department and shall contain the following information:

(a) Business name or private road name and the location of the business or road.

(b) If the application is for a private road name sign, a list of property owners that front or use the road for access to their property ~~should~~ shall accompany the application along with a signed petition of those in favor of the name and a map showing the location of the road.

(c) Business owner, lessee, or responsible party for a private road name including applicable addresses.

(d) Justification for the sign(s) (e.g., gas, food, lodging, camping or RV park, tourist-oriented business, private road name).

(e) Number of signs applied for and a description of each sign including dimensions, materials, copy, and logos, symbols or trademarks, if any, including colors and designs customarily used.

(f) Distance, in feet, from the nearest intersection to the desired location for each sign including which side of the road the sign will be on. The ultimate location of each sign will be at the discretion of the Department of Public Works.

(g) For "follow thru or blaze signs" in conjunction with a Washington State permit for motorist information signing, proof that the State permit has been applied for will be required. Permits for the "follow thru or blaze signs" will be conditional and signs not installed until a copy of the approved State permit has been provided to the Department of Public Works.

(h) Route description from principal road to qualified business.

(i) Zoning designation, zoning or land use permits applicable to the subject property, SEPA threshold determinations, if applicable, copy of plat and deed restrictions, if any.

(3) Permit Fees. For specific service or tourist informational signs the permit fee, as set by CCC 3.31, Clallam County Public Works Department - Road Division Fee Schedule, Drainage Plan, and Road Approach Permit Requirements, ~~a permit fee of \$100 per sign~~ will be submitted with each application. This fee is intended to reimburse the County for the cost of locating and installing each sign and for the administrative costs incurred by each application.

No permit fees will be required for private road name signs.

If the permit application is rejected for any reason other than false and/or misleading statements made on the application, the fees will be refunded. Permit fees, at the discretion of the Department of Public Works, may or may not be refunded for false and/or misleading statements made on the application.

If a sign or signs on a multiple sign application are rejected and the remaining portion of the application approved, that portion of the permit fee pertaining to the rejected sign or signs will be refunded.

(4) Burden of Proof. At every stage of the application process, the burden of demonstrating that the business is qualified under this chapter and that the information is true and correct and otherwise consistent with State and local regulations, is upon the applicant.

#### **9.21.120 Installation and maintenance.**

For specific service or tourist informational signs, sign face(s) shall be supplied by the permit applicant after the permit is approved by the Department of Public Works. If the sign(s) are not received at the Department of Public Works or the Port Angeles Maintenance Facility for installation within ninety (90) days after notification of approval, the permit will become null and void and permit fees, minus suitable administrative costs as determined by the Department of Public Works, will be returned to the permit applicant.

Sign faces for private road name signs and sign posts for both private road name signs and specific service or tourist informational signs will be supplied by the Department of Public Works. Installation and maintenance of all signs will be by County forces.

Specific service or tourist informational sign face(s) damaged or destroyed by other than County forces will be replaced by the applicant at the request of the Department of Public Works. Sign faces damaged or destroyed by County forces will be replaced by the Department of Public Works. Damaged or destroyed sign posts will be replaced by the Department of Public Works and the sign(s) re-installed by County forces.

#### **9.21.130 Sign placement.**

Signs will not be located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic signal, sign, or device or obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic, nor will signs, in any way, constitute a safety hazard to any pedestrian or vehicle operator.

The location and placement of the sign or signs along the road right-of-way will be designated by the Department of Public Works. Every effort will be made by the department to locate sign(s) at the locations requested in the permit application.

Any sign(s) moved from the location designated by the Department of Public Works will cause the permit to be revoked and no permit fees will be refunded.

#### **9.21.140 Annual maintenance fees.**

For specific service or tourist informational signs an annual maintenance fee, as set by CCC 3.31, Clallam County Public Works Department – Road Division Fee Schedule, Drainage Plan, and Road Approach Permit Requirements, of \$15 per sign will be assessed to cover the cost of maintenance and upkeep. Annual fees will be due on or before January 15th of each year. If fees are not paid within sixty (60) days of the due date the permit will be revoked, the sign(s) removed, and a new permit will be required to re-install the signs.

No annual maintenance fees will be required for private road name signs.

#### **9.21.150 Grandfathered signs.**

Owners of signs not in conformance with this chapter were given a year from the date the chapter was originally adopted (May 22, 1990) to comply with the requirement of the chapter. No allowances will be made for any signs found to not be in conformance with this chapter. Such signs will be considered as a public nuisance and will be treated in accordance with CCC 9.21.180.

~~Signs that are legally existing at the time this chapter takes effect shall be inspected and reviewed for compliance with this chapter on a case-by-case basis. Those signs found to comply with the chapter will be allowed to remain if the owner files a permit application with the Department of Public Works. Permit fees for each sign allowed will be waived but annual maintenance fees will be in affect.~~

~~Signs that are found to not be in conformance with this chapter will have one year from the date of the chapter to comply with the chapter. Before the end of the year, applications will be required and all permit fees will apply.~~

~~Any signs remaining after one year with no permit applications filed will be considered as a public nuisance and will be treated in accordance with CCC 9.21.180.~~

**9.21.160 Revocation.**

Permit applications will be reviewed by the Department of Public Works on a regular basis for compliance with CCC 9.21.060, Business eligibility and CCC 9.21.090, Private road name eligibility. Business or service activities or private road names found in noncompliance with these sections will have their permits revoked.

Permits will also be revoked for, but not limited to, the following: failure to provide the services and/or facilities stated in the permit application; making false or misleading statements in the application; creating an unsafe condition or hazard; or for reasons stated elsewhere in this chapter.

**9.21.170 Termination.**

Upon termination of the permit by the applicant or revocation of the permit by the Department of Public Works, the sign(s) will be removed, the permit applicant notified, and the signs taken to the County Maintenance Facility in Port Angeles. Sign(s) will remain at the facility for thirty (30) days after notification during which time the permit applicant or his representative may pick them up. Any signs left over the thirty (30) day limit will be disposed of at the County's convenience.

**9.21.180 Public nuisance.**

Any sign(s) erected or maintained in, on, or above any County road right-of-way that are contrary to the provisions set forth in this chapter are declared a public nuisance and the Department of Public Works is authorized by this chapter to remove and dispose of said sign(s).

**9.21.190 Appeals.**

All actions by the Department may be appealed to the Board of County Commissioners by the applicant or by an aggrieved person by filing a written notice of appeal setting forth the basis for said appeal with the Clerk of the Board within ten (10) days following the Department's action, together with a fee of \$100. The Board shall consider the basis of the appeal in a public meeting not later than thirty (30) calendar days following the receipt of the appeal.

**9.21.200 Severability.**

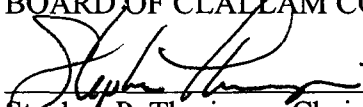
If any provision of this chapter or its application to any business, person, private road, or circumstance is held invalid, the remainder of the chapter or its application to any business, person, private road, or circumstance shall not be affected.

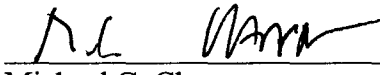
**9.21.210 Effective date.**

This chapter shall take effect ten (10) days after adoption.

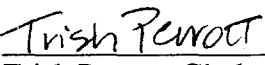
PASSED AND ADOPTED this sixth day of April 2004.

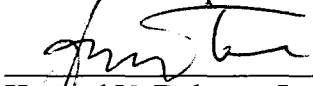
BOARD OF CLALLAM COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Stephen P. Tharinger, Chair

  
\_\_\_\_\_  
Michael C. Chapman

ATTEST:

  
\_\_\_\_\_  
Trish Perrott, Clerk of the Board

  
\_\_\_\_\_  
Howard V. Doherty, Jr.