

**ORIGINAL**  
**Do not remove from**  
**the City Clerk's Office**

CITY OF LYNNWOOD  
ORDINANCE NO. 1960

City of Lynnwood  
DEC 19 2000  
SCANNED

**AN ORDINANCE AMENDING TITLE 11 OF THE LYNNWOOD MUNICIPAL CODE BY ADDING THERETO PROVISIONS TO PROHIBIT SIGNS ON THE PUBLIC RIGHT OF WAY PROVIDING FOR REMOVAL THEREOF AND PRESCRIBING PENALTIES AND DECLARING AN EMERGENCY**

WHEREAS, the City of Lynnwood has, with limited exception, prohibited placement of signs in the public right of way; and

WHEREAS, such limitation on the use of the public right of way is necessary to advancing the goals of traffic safety and the aesthetic enhancement of the City; and

WHEREAS, recent state Supreme Court decision has set forth clear test for regulation and prohibition of placement of signs on the public right of way, and

WHEREAS, the City Council of Lynnwood deems it necessary to prohibit the placement of all signs on the public right of way to help achieve the goals of traffic safety and city beautification.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

Section 1.      Findings of fact      The City Council makes the following findings of fact:

A.      During the last decade the City of Lynnwood and all of Southwest Snohomish County have experienced some of the fastest growth in the state and country. This rapid growth has resulted in extremely high traffic volumes which have resulted in Lynnwood experiencing one of the highest traffic accident counts per capita in the state.

B.      In response to this extreme traffic safety concern, Lynnwood has implemented the following annual programs to maintain its streets and to address traffic safety concerns.

1.      Asphalt Overlay Program.      Coordinated with the pavement management system. The City overlays street on a yearly basis.

2.      Pavement Marking Program.      The City reviews its pavement markings within the right of way and updates their condition as warranted on a yearly basis.

3. Sidewalk Program. The City reviews sidewalk and handicap ramp locations on a yearly basis with new installations made based on need and yearly budget restraints. New development and significant redevelopment is required to construct sidewalks adjacent to the well traveled portion of the roadway.

4. Accident Data Base. The City maintains a data base on accidents within the City right of way. Information includes type, location, injury type and other information. Data is updated monthly and goes back to 1983. Such information is used, in part, when determining traffic control improvements and right of way improvements in the City.

5. Computer Assisted Traffic Optimization Program. The traffic signalization of the City is linked to computer control which provides a continuous review of traffic demand in the City to implement the most efficient traffic control plan possible to enhance traffic flow.

6. Six Year Transportation Improvement Program. The City maintains a street improvement program which is updated yearly. Program outlines needed improvements to the existing federal highway system which includes all streets above a residential classification.

7. Traffic Control Device Annual Inventory. A l l traffic control devices in the City are inventoried and checked for structural integrity and operation at least annually. Repairs to such traffic control devices are accomplished as needed.

8. Commute Trip Reduction Plan. This City wide comprehensive plan is designed to reduce single-occupant commute trips and the number of single-occupant vehicles used for commuting purposes thereby reducing traffic congestion.

C. Even with a comprehensive approach to reduce traffic congestion and traffic safety concerns, the City continues to experience high levels of congestion and traffic accidents. Additional regulation of the public right of way is essential to improve traffic safety.

D. The placement of signs within the public right of way, e.g. on parking strips, sidewalks, shoulders of the road, utility poles, and any other portion of the public right of way tends to distract drivers of vehicles on the busy streets and arterials of the City of Lynnwood.

E. Prohibition of placement of all signs on the public right of way will lessen the distraction of drivers of vehicles, improve sight lines for entry onto streets and arterials and facilitate viewing of traffic control and directional signs thereby improving traffic safety.

F. Proliferation of signs on public right of way leads to visual blight and undermines the beauty and pleasing environment of the City.

G. The Lynnwood City Council finds that this ordinance is necessary for the immediate preservation of public peace, health and safety, and the public welfare.

Section 2. There is added to Title 11 of the Lynnwood Municipal Code a new Chapter 11.62 entitled Prohibition of Signs on Public Right of Way.

Section 3. There is added to Title 11 of the Lynnwood Municipal Code a new section 11.62.010 to read as follows:

11.62.010 Purpose of Sign Prohibition on Right of Way The prohibition of signs on all areas of the public right of way is hereby declared to be necessary to promote the public health, safety, welfare, convenience and enjoyment of public travel in the city, to protect the public investment in the street systems of the city, to promote aesthetic values within the city, and to insure that information in the specific interest of passing motorists is presented safely and effectively.

Section 4. There is added to Title 11 of the Lynnwood Municipal Code a new Section 11.62.020 to read as follows:

11.62.020 Signs Prohibited on Public Right of Way All signs of any kind temporarily or permanently placed or fixed on the ground, sidewalk, any pole, any structure or other device within the full width of the public right of way are prohibited; provided directional signs during construction activities or otherwise which are necessary for convenient and safe travel are allowed upon review and approval of city public works department.

Section 5. There is added to Title 11 of the Lynnwood Municipal Code a new Section 11.62.030 to read as follows:

11.62.030 Removal of Unlawful Signs in Public Right of Way The City may remove all signs located in the public right of way. Such removed signs shall be stored not less than 30 days by the city for recovery by the owner of such sign. The city shall take all reasonable steps to identify the owner of the

removed sign(s) and advise such owner that the sign can be recovered by contacting the city. Should the owner not be identified or should the owner not respond to the notice by the city of such owners right to recover the sign within the 30 day period, the city may destroy or otherwise dispose of the sign(s).

Section 6. There is added to Title 11 of the Lynnwood Municipal Code a new Section 11.62.040 to read as follows:

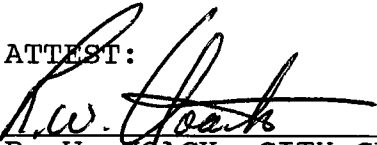
11.62.040. Penalty for Violation of Title In addition to other powers, any intentional violation of the provisions of this Chapter as now or hereafter amended is a misdemeanor and shall be punished by a fine not to exceed three hundred dollars or by imprisonment not to exceed ninety days or both. Each day such violation continues shall be considered an additional and separate misdemeanor offense.

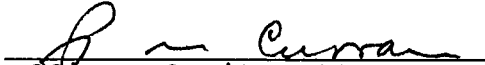
Section 7. Severability. If any section, subsection, sentence, clause, paragraph, phrase or word of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, paragraph, phrase or word of this Ordinance.

Section 8. Immediate Effective Date. This ordinance is necessary for the immediate preservation of the public peace, health and safety, and shall take effect and be in full force immediately upon its passage, and approval.

**PASSED** this 23rd day of August, 1993, and signed in authentication of its passage this 24th day of August, 1993.

  
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M. J. HRDLICKA, MAYOR

ATTEST:  
  
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R. W. NOACK, CITY CLERK

APPROVED AS TO FORM:  
  
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Office of City Attorney