



**CITY PLAN COMMISSION FINDINGS, CONCLUSIONS AND RECOMMENDATIONS  
RELATING TO POLITICAL CAMPAIGN SIGN CODE AND PROPOSED  
AMENDMENTS TO SMC 17C.240.070 AND 17C.240.240 G. 6.**

**Hearing Date: May 25, 2011**

**RECOMMENDATION:**

The Spokane City Plan Commission recommends amending SMC 17C.240.070 and SMC 17C.240.240 G. 6 per attached Exhibit "A". In making this recommendation, the Plan Commission makes the following findings and conclusions.

**FINDINGS AND CONCLUSIONS:**

1. The City of Spokane has adopted a sign code codified under Chapter 17C.240 of the Spokane Municipal Code (SMC), including regulations set forth in SMC 17C.240.240 related to temporary sign.
2. SMC 17C.240.240 G. 6 sets forth regulations regarding the placement of political campaign signs both on private property and within certain areas of the public right-of-way.
3. SMC 17C.240.240 G. 6 specifically permits the placement of political campaign signs on private property with the consent of the property owner and subject to certain regulations pertaining to size and time period for removal.
4. The City has control of the public right-of-way either by ownership of the land or by easement for the purpose of maintaining the public right-of-way for vehicular, pedestrian and bicycle access on public thoroughfares.
5. The public right-of-way consists of the street with various infrastructures such as concrete medians and turn lanes, barriers, bridges, overpasses and numerous other physical structures.
6. The public right-of-way also consists of land extending beyond the street including sidewalks and planting/parking strips.
7. There are constitutional protections that provide for the placement of political campaign signs in the public right-of-way, which has traditionally been considered a public forum for free speech activity such as placement of campaign signs.

8. The Spokane Municipal Code provides regulations protecting the right to place political campaign signs in the public right-of way that is considered part of the public forum.

9. Over the past several years, there have been numerous occasions where political campaign signs were placed either on public property or within the public right-of-way in violation of the Spokane Municipal Code. Such violations include:

a. placement of signs on public property beyond the right-of-way including placement of signs on park property;

b. placement of signs in the middle of the street on concrete medians, barriers, turn lanes and planter boxes creating traffic obstructions and hazards, impairing and impeding pedestrian thoroughfares, creating visual blight on the community, causing litter and debris on surrounding property;

c. placement of signs on transportation infrastructures such as bridges, overpasses, retaining wall, public fences and other areas beyond the public right-of-way; and

d. placement of signs in areas of the public right-of-way such as within the street, on retaining walls or within embankments that are not within the traditional public forum area.

10. Placement of signs in areas within the street and beyond the traditional public forum area adjacent to the sidewalk and private property creates dangerous situations for the individual placing the sign by having to cross into traffic lanes to place the signs.

11. Washington State law, RCW 42.17.130, prohibits the use of any public facilities, directly or indirectly for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot title.

12. Allowing campaign signs to be placed on public property for the benefit of a campaign for election of an individual or for the promotion or opposition to a ballot measure would, if not directly violate RCW 42.17.130, would create potential violations of state law.

13. The current ordinance fails to clearly define where within the public right-of-way campaign signs can be placed.

14. The Plan Commission hereby adopts the foregoing as its findings in support of this recommendation.

**RECOMMENDATION:**

On June 8, 2011, the Plan Commission, by a vote of 9 Yes and 0 No, recommends approval of the attached proposed ordinance amendment to SMC 17C.240.070 and SMC 17C.240.240 G. 6.

This Recommendation was approved on June 8, 2011.

*W. Mansfield VP acting for Karen Byrd*

Karen Byrd, President  
City Plan Commission