

TITLE 10. HEALTH, SAFETY, AND WELFARE

Chapter 10.8

LARGE ADVERTISING SIGNS

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10.8.1. Purpose. The purpose of this chapter is to regulate the size, location, and content of message of large advertising signs that tribal members and nontribal members desire to have placed, installed, or constructed within the Port Madison Indian Reservation. The Tribal Council of the Suquamish Tribe believes that large advertising signs could have a message that infringes upon or threatens the political integrity, economic security, or safety, health, or welfare of the Tribe. Therefore, the Tribal Council is exercising its sovereign authority and right to regulate large advertising signs. (Res. 05-052, passed Jun. 6, 2005)

10.8.2. Applicability. This chapter is applicable to all large advertising signs that are proposed to be placed, installed, or constructed within the exterior boundaries of the Port Madison Indian Reservation. (Res. 05-052, passed Jun. 6, 2005)

10.8.3. Exemptions. This chapter is not applicable to:

(a) Existing large advertising signs, except that in case of a proposed upgrade or change in ownership to such a sign, the owner must make application for a permit and the requirements of this chapter shall be applicable.

(b) Signs proposed or used by the Tribe or agencies of the Tribe. However, a large advertising sign that is proposed by or used by the Tribe or agencies of the Tribe must be submitted for comment and approval if specifically required by Tribal Council resolution, ordinance, or other written agreement. Such approval will be based on the same substantive criteria as set forth in this and/or other chapters, but the sign

message and content requirements will not be applicable to the Tribe or its agencies in any manner whatsoever.

(c) Fireworks signs by tribal members.

(d) State and county highway, road, and street signs. However, the state or county shall consult with the Tribal Council on the particulars of the proposed sign prior to its installation within the reservation. (Res. 05-052, passed Jun. 6, 2005)

10.8.4. Definitions. The words and phrases set forth below shall have the following meaning unless the context clearly indicates that some other meaning is intended, and these words and phrases may or may not be capitalized.

(a) "Advertising sign" or "sign" means any sign that has a commercial, political, or other verbal, artistic, and/or graphic message of any kind or nature, including a verbal, artistic, or graphic message that is drawn, painted, placed, or installed on a building or structure.

(b) "Artificial illumination or artificial lighting" means any type or form of artificial illumination or light that is placed on, upon, or near a large advertising sign.

(c) "Department of natural resources" means the Suquamish Tribe's Department of Natural Resources.

(d) "Executive director" means the Suquamish Tribe's Executive Director as appointed by the Tribal Council.

(e) "Fireworks signs" mean the advertising signs that advertise fireworks for sale that are exhibited by tribal members on the Port Madison Indian Reservation consistent with the Suquamish Tribal Code or as approved by the Tribal Council.

(f) "Landowner" means the person or persons who propose(s) to have or has a large advertising sign on his or her property, whether said property is owned in fee, in trust, or any other type of landownership. "Landowner" also means allotment ownership, where there may be one or more owners of the real estate that is held in trust by the United States government for one or more tribal members.

(g) "Large advertising sign" means any advertising sign that is a minimum of twelve (12) or more feet in height measured from the base of the sign to the top of the sign and, not counting the support post(s), twelve (12) feet or more in width measured from each exterior side, and which may or may not have artificial illumination or artificial lighting.

(h) "Lessee or lessee(s)" means the person, corporation, partnership, or other business entity that has a lease or other agreement to use certain property for a large advertising sign.

(i) "Sign" means any artificial or natural structure that is used in whole or part for displaying lettering, symbols, art, or graphics.

(j) "Sign messages" mean the verbal, graphic, or artistic writings or drawings that are proposed to be the message on a large advertising sign.

(k) "Suquamish Tribe" means the Suquamish Tribe, a federally recognized Indian tribe that has certain reserved rights and authority as set forth by the 1855 Treaty of Point Elliott, its Constitution and Bylaws, and federal law.

(l) "Tribal Council" means the Suquamish Tribal Council as authorized and elected pursuant to the Suquamish Tribe's Constitution and Bylaws. (Res. 05-052, passed Jun. 6, 2005)

10.8.5. Large Advertising Sign Permit. Any person, firm, corporation, partnership, lessee, or other organization or entity that proposes to install, place, construct, or lease property within the exterior boundaries of the Port Madison Indian Reservation for a large advertising sign is required to obtain a permit approved by the Tribal Council for the proposed sign and from the director of the natural resources department and executive director or Tribal Council, as appropriate, for all of the proposed sign messages. The Suquamish Tribe's large advertising sign minimum criteria and process for obtaining approval, as set forth further herein, shall be satisfied. (Res. 05-052, passed Jun. 6, 2005)

10.8.6. Minimum Criteria for Large Advertising Signs. The following are the minimum criteria applicable to large advertising signs:

(a) **Maximum Size.** Large advertising signs shall not be larger than twenty (20) feet in height measured from the base of the actual sign, not counting the support post(s), by sixty (60) feet in width, which width shall include the entire width of side-by-signs or multiple adjoining signs on the same property. The total size of the sign shall not exceed one thousand two hundred (1,200) square feet.

(b) **Sign Message.** The proposed sign message shall be submitted to the Tribe's natural resources department at least ten (10) business days prior to the desired date for installation or placement on the sign. Advertisements for alcoholic beverages and tobacco products are prohibited on large advertising signs within the Port Madison Indian Reservation. The director of the natural resources department, with the approval of the executive director, will exert good faith effort to expeditiously approve the sign message when the proposed sign message clearly does not infringe upon or threaten the political integrity, economic security, or safety, health, or welfare of the Tribe. In the event that a proposed sign message could be interpreted to infringe upon or threaten the Tribe's political integrity, economic security, or safety, health, or welfare, the director of the natural resources department shall submit the proposed sign message to the Tribal Council for determination. After receipt of the sign message and within twenty

(20) calendar days, the Tribal Council will endeavor to make a determination to approve or deny the sign message. The approval or denial of the sign message shall be communicated to the applicant or advertising company by express mail, electronic mail, or fax.

(c) Set Backs. (1) All portions of a large advertising sign shall be located at least sixteen (16) feet measured on the horizontal plane from the nearest electric transmission, primary, or any other noninsulated electric line that is rated more than fifty (50) kV;

(2) All portions of a large advertising sign shall be located at least twenty (20) feet measured horizontally from all adjoining property boundary lines; and

(3) All portions of a large advertising sign shall be located at least ten (10) feet measured horizontally away from the nearest highway, road, or street right-of-way line.

(d) Lighting and Illumination. The lighting and illumination for all large advertising signs shall use energy efficient lighting.

(e) Health/Safety and Environmental Considerations. The proposed large advertising sign shall also be reviewed by other tribal departments for any health/safety and environmental concerns. Signs shall not be located in a marsh, wetland, or required natural buffer, and the proposed construction for the sign shall use best available science to protect against stormwater runoff and erosion.

(f) Distance between Signs. If the property where a large advertising sign is proposed to be located adjoins property which already has a large advertising sign, then the proposed new large advertising sign shall be located at least two hundred (200) feet, or as far away as practicable, from the sign on the adjoining property but still along the highway or road. No property owner shall have more than one (1) large advertising sign located on his or her property unless the highway, road, or street frontage for his or her property is sufficient to allow for a separation between large advertising signs of at least two hundred (200) feet. (Res. 05-052, passed Jun. 6, 2005)

10.8.7. Application for Permit. An application for a large advertising sign permit shall be submitted to the Tribe's natural resources department along with payment for a processing fee of three hundred dollars (\$300). The application shall include a schematic drawing of the applicant's property layout showing nearby property boundaries; highway, road, or street right-of-way lines; primary and noninsulated electric lines; wetlands and other sensitive areas; and distances measured to the proposed sign location. The natural resources department may require additional relevant information to complete the Tribe's permit review and approval process. (Res. 05-052, passed Jun. 6, 2005)

10.8.8. Application Review Process. Upon receipt of a properly completed application and processing fee for a large advertising sign permit, the natural resources department shall immediately send a copy of the application to the Tribe's departments that may have concerns or recommendations. Tribal departments may include but are not limited to department of community development, administration, fisheries, human services, and public safety. Any tribal department that has any concerns or recommendations shall provide its specific concerns or recommendations in writing to the natural resources department director within thirty (30) days of the date the initial application was received by the Tribe. The natural resources department director shall then provide the applicant with a copy of the communication and allow the applicant a reasonable time to mitigate and/or resolve any significant concerns raised by tribal departments.

The natural resources department shall require the applicant to provide notice by mail or other means to the persons who own property within one thousand (1,000) feet of the proposed large advertising sign's location measured along the highway or road. If there are more than twenty (20) owners of a parcel of property, the notice only needs to be provided to any person who owns a ten percent (10%) or greater interest in the property. After such notice has been provided, the applicant shall provide a declaration for the Tribe's file to certify that this requirement has been satisfied.

After all tribal department concerns have been discussed, mitigated, and/or resolved and there is a commitment from the applicant that proposed future sign messages will not infringe upon or threaten the political integrity, economic security, or safety, health, or welfare of the Tribe, the director of the natural resources department will submit the application, along with a memorandum that summarizes any outstanding concerns or recommendations of tribal departments, to the Tribal Council for approval, conditional approval, or denial. The application for a permit will be placed on the Tribal Council's agenda for consideration on whether to approve, deny, or conditionally approve the permit.

The permit issued by the Tribe may require the applicant or lessee of a tribal member's property to allow the Tribe to have a message on the sign, at a mutually agreed upon time and for mutually agreed upon period(s) that will not exceed five percent (5%) of the total annual sign use. In addition, the permit may include conditions such as but not limited to a commitment to abide by this chapter and to pay the Tribe any future tax or assessment that may be enacted by the Tribal Council pertaining to the use of the property upon which the sign is proposed to be located or to the revenue derived from use for a sign. (Res. 05-052, passed Jun. 6, 2005)

10.8.9. Denial of a Permit for a Large Advertising Sign. The Tribal Council may deny a permit application for a large advertising sign if the permit applicant, lessee, or owner of the property upon which the proposed sign is to be located is currently not in compliance with any Suquamish Tribal Code provision or is not current in payment of any fees or taxes to the Tribe. The Tribal Council may deny a permit if the sign message is determined to infringe upon or threaten the Tribe's political integrity, economic security, or safety, health, or welfare. (Res. 05-052, passed Jun. 6, 2005)

10.8.10. Permit Revocation. In the event of a material violation of this chapter, the Tribe's large advertising sign permit conditions, sign location, criteria, or sign message limitations, the permit holder, sign lessee(s) or owner, and the landowner(s) of the property upon which the sign is located shall be given reasonable notice of the violation and shall be provided an opportunity for a hearing by the Tribal Council. If the violation is not cured within the time frame set forth in the notice of violation and opportunity for hearing, the Tribal Council may revoke the permit for said sign. The Tribal Council shall issue a notice of revocation to the permit holder, sign lessee or owner, and the landowner(s). (Res. 05-052, passed Jun. 6, 2005)

10.8.11. Appeal of Permit Revocation. A permit revocation by the Tribal Council may be appealed to the Tribal Court by filing a petition for review and paying the filing fee within thirty (30) days of the issuance of a notice of revocation by the Tribal Council. The standard for review of the Tribal Council's revocation is limited to whether the decision of the Tribal Council was arbitrary and capricious, or contrary to law. The decision of the Tribal Court may be further appealed to the Tribal Court of Appeals as may be allowed by the Suquamish Tribal Code. (Res. 05-052, passed Jun. 6, 2005)

10.8.12. Removal of Sign. In the event that a large advertising sign is placed, located, or constructed in violation of this chapter or is ordered to be removed by the Tribal Council and which decision is upheld on any appeal, the lessee(s) or owner(s) of the sign shall remove the sign within thirty (30) days of the notice of violation, revocation decision, or final court order. If the applicant, lessee(s) of the sign, and/or property owner(s) fail to comply with the Tribal Council's revocation order or the final court order that upholds the Tribal Council's order to remove said sign, the tribal attorney shall pursue any or all appropriate remedies to achieve the removal of the subject sign. If trust property is involved, notice may be sent to the U.S. Department of the Interior, Bureau of Indian Affairs, or other federal agencies to request that said agency withhold any benefits to the property owner(s) and decline to transfer the trust property until such time as the owner(s) comply with the Tribal Council's revocation order and/or final Court decision. (Res. 05-052, passed Jun. 6, 2005)

10.8.13. Severability. In the event that any provision of this chapter is found not to be legal by a court with competent jurisdiction, the said provision shall be stricken and the remainder of this chapter shall not be affected. (Res. 05-052, passed Jun. 6, 2005)