

## CHAPTER 4-21 HIGHWAY ADVERTISING

### GENERAL PROVISIONS

#### 4-21-1

##### Title

This Chapter shall be known as the Highway Advertising Chapter of the Colville Tribes Law and Order Code.

#### 4-21-2

##### Legislative Intent

Notwithstanding any other provision of the Code, or this Chapter, no signs visible from the main-traveled way of the Tribal System Roads, primary system, or scenic system which have any of the following characteristics shall be erected or maintained:

- (a) Signs advertising activities that are illegal under Tribal, state or federal laws or regulations in effect at the location of such signs or at the location of such activities.
- (b) Illegal, destroyed, abandoned, discontinued or obsolete signs.
- (c) Signs that are not clean and in good repair.
- (d) Signs that are not securely affixed to a substantial structure.
- (e) Signs which attempt or appear to attempt to direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal or device.
- (f) Signs which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.
- (g) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights (except those signs giving public service information).
- (h) Signs which use any lighting in any way unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the highway or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.
- (i) Signs which move or have any animated or moving parts (except revolving signs giving public service information).
- (j) Signs which are erected or maintained upon trees, power poles, or painted or drawn upon rocks, or other natural features.
- (k) Signs which exceed twenty feet in length, width, or height, or one hundred fifty square feet in area, including border and trim but excluding supports, except:
  - (1) Larger signs as permitted within commercial and industrial areas adjacent to the primary system pursuant to this Chapter; and
  - (2) Type 3 signs not more than fifty feet from the advertised activity; and
  - (3) Single on-premise signs advertising shopping centers, malls, and business combinations as described in this Chapter under type 3.
  - (4) Type 8 signs shall not exceed thirty-two square feet in area, unless they qualify as Type 3 (on-premise) signs.

(l) Electronic signs may be used only to advertise activities conducted or goods and services available on the property on which the signs are located or to present public service information.

(1) Advertising messages may contain words, phrases, sentences, symbols, trade-marks, and logos. A single message or a segment of a message must have a display time of at least two seconds including the time to move onto the sign board, with all segments of the total message to be displayed within ten seconds. A message consisting of only one segment may remain on the sign board as long as desired.

(2) Electronic signs requiring more than four seconds to change from one single message display to another shall be turned off during the change interval.

(3) Displays traveling horizontally across the sign board must move between sixteen and thirty-two light columns per second. Displays can scroll onto the sign board but must hold for two seconds including scrolling.

(4) Sign displays shall not include any art animations or graphics that portray motion, except for movement of graphics onto or off of the sign board as previously described.

(5) No electronic sign lamp may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. Signs found to be too bright shall be adjusted in accordance with the instructions of the Land Use Review Board (LURB) created by Chapter 4-3.

(m) Tri-vision signs may be used as Type 3, Type 4, or Type 5 signs, with the following provisions:

(1) Visible to Tribal System Roads, tri-vision signs may only be used as Type 3 signs.

(2) Rotation of one sign face to another sign face is no more frequent than every eight seconds and the actual rotation process shall be accomplished in four seconds or less.

(3) Tri-vision signs shall contain a default mechanism that will stop the sign in one position should a malfunction occur.

(4) Maximum size limitations shall independently apply to each sign face, including framework and border.

(5) Tri-vision signs are subject to all other applicable provisions of this Chapter.

**4-21-3 Restrictions on signs**

Except as permitted by this Chapter, no person shall erect or maintain a sign, which is visible from the main-traveled way of the Tribal System Roads, or the scenic system. In case a highway or a section of highway is both a part of the primary system and the scenic system, only those signs permitted along the scenic system shall be erected or maintained.

**DEFINITIONS**

**4-21-10 Definitions**

The terms when used in this Chapter shall have the following meaning:

(a) "Abandoned" means a sign for which neither sign owner nor land owner claim any responsibility.

(b) "Centerline of the highway" means a line equidistant from the edges of the median separating the main-traveled ways of a divided highway, or the centerline of the main traveled way of a non-divided highway.

(c) "Commercial and industrial areas" means any area zoned commercial or industrial by a Tribal, Municipal, or County code or if un-zoned or zoned for general uses by a Tribal or Municipal code, that area

occupied by three or more separate and distinct commercial and/or industrial activities within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, storage, or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which such activities are located. Measurements shall be along or parallel to the edge of the main-traveled way of the highway. The following shall not be considered commercial or industrial activities:

- (1) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;
- (2) Transient or temporary activities;
- (3) Railroad tracks and minor sidings;
- (4) Signs;
- (5) Activities more than six hundred and sixty feet from the nearest edge of the right of way; or
- (6) Activities conducted in a building principally used as a residence. Should any commercial or industrial activity, which has been used in defining or delineating an un-zoned area, cease to operate for a period of six continuous months, any signs located within the former un-zoned area shall become nonconforming.

(d) “Discontinued” means a sign that shall be considered discontinued if, after receiving notice of absence of advertising content for three months, the permit holder fails to put advertising content on the sign within three months of the notice.

(e) “Electronic sign” means an outdoor advertising sign, display, or device whose message may be changed by electrical or electronic process, and includes the device known as the electronically changeable message center for advertising on Reservation premises activities.

(f) “Entrance roadway” means any public road or turning roadway including acceleration lanes, by which traffic may enter the main-traveled way of a controlled access highway from the general road system within the Reservation, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also leave the main-traveled way by such road or turning roadway.

(g) “Erect” means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(h) “Exit roadway” means any public road or turning roadway including deceleration lanes, by which traffic may leave the main-traveled way of a controlled access highway to reach the general road system within the Reservation, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also enter the main-traveled way by such road or turning roadway.

(i) “Land Use Review Board (LURB)” means the hearing body created by Chapter 4-3.

(j) “Legible” means capable of being read without visual aid by a person of normal visual acuity

(k) “Maintain” means to allow to exist. A sign loses its right to remain as a nonconforming sign if its size is increased more than fifteen percent over its size on the effective date of this Chapter, or the effective date of control of a given route, whichever is applicable. The sign may continue as long as it is not destroyed, abandoned, or discontinued. Such signs may be re-erected in kind if destroyed due to vandalism, and other criminal or tortuous acts.

(l) “Main-traveled way” means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite

directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, entrance roadways, exit roadways, or parking areas.

(m) "Person" means the Colville Tribes or any public or private corporation, firm, partnership, association, as well as any individual, or individuals.

(n) "Primary system" means any highway which is part of the federal-aid primary system as described in section 23 USC 103(b), in existence on June 1, 1991, as enacted in the 1991 Intermodal Surface Transportation Efficiency Act, and any highway which is not on such system but which is on the National Highway System.

(o) "Reservation" means the Colville Indian Reservation

(p) "Scenic system" means any:

(1) designated Tribal System Road within any public park, federal forest area, public beach, public recreation area, or national monument;

(2) state highway or portion thereof outside the boundaries of any incorporated city or town designated in RCW 47.42.140 by the legislature as a part of the scenic system.

(q) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the Tribal System Road or other state highway.

(r) "Trade name" means and shall include brand name, trademark, distinctive symbol, or other similar device or thing used to identify particular products or services.

(s) "Traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

(t) "Tribes" means the Confederated Tribes of the Colville Indian Reservation.

(u) "Turning roadway" means a connecting roadway for traffic turning between two intersection legs of an interchange.

(v) "Public service information" means a message on an electronic sign, which provides the time, date, temperature, weather, or information about nonprofit activities sponsored by civic or charitable organizations.

(w) "Temporary agricultural directional sign" means a sign on private property adjacent to Tribal System Roads right of way to provide directional information to places of business offering for sale seasonal agricultural products.

(x) "State scenic byway" means any scenic and recreational highway established by RCW 47.39.

(y) "Tri-vision sign" means a sign having a series of three sided rotating slats arranged side by side, either horizontally or vertically, which are rotated by an electric-mechanical process, capable of displaying a total of three separate and distinct messages, one message at a time.

(z) "Tribal System Road" means any highway or road within the boundaries of the Colville Indian Reservation.

(aa) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual perception.

(bb) “Visible development” means those areas determined by the Tribes to have development, both in type and location, that meet the requirements for un-zoned commercial and industrial areas prescribed by Chapter 4-3, Land Use and Development and such development is not visually obstructed by vegetation or other natural features. It is prohibited to remove vegetation or other natural features located within the Tribal System Road right of ways that may act as visual obstructions.

## **CLASIFICATION OF SIGNS—REQUIREMENTS**

**4-21-20**

### **Classification of signs**

Signs shall be classified as follows:

(a) Type 1: Directional or other official signs or notices.

(1) Signs and notices erected and maintained by public offices or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by Tribal and state law and erected by state or local government agencies or nonprofit historical societies may be considered official signs.

(2) Service club and religious notices, whose message shall contain only the name of a nonprofit service club or religious organization, its address and the time of its meeting or service.

(b) Type 2: For sale or lease sign. A sign not prohibited by Tribal and state law that is consistent with the applicable provisions of this Chapter and which only advertises the sale or lease of the parcel of real property upon which the sign is located. The name of the owner of the property offered for sale or lease, or the owner's agent and phone number shall not be displayed more conspicuously than the words “for sale” or “for lease.” No other message may be displayed on the sign. Not more than one such sign advertising the sale or lease of a parcel of property shall be visible to traffic proceeding in anyone direction on a Tribal System Road, primary system or scenic system highway.

(c) Type 3: On-premise sign.

(1) A sign advertising an activity conducted on the property on which the sign is located. The sign, except as provided under (2) of this subsection, shall be limited to identifying the establishment or the principal or accessory products or services offered on the property. A sign consisting principally of a brand name, trade name, product, or service incidental to the principal products or services offered on the property, or bringing rental income to the property owner, is not considered an on-premise sign. Not more than one such sign, visible to traffic proceeding in anyone direction on a Tribal System Road, primary system, or scenic system highway may be permitted more than fifty feet from the advertised activity.

(2) Temporary political campaign signs are a Type 3 on premise sign, on which the property owner expresses endorsement of a political candidate or ballot issue, with the following restrictions:

(A) Temporary political campaign signs are limited to a maximum size of thirty-two square feet in area.

(B) Temporary political campaign signs must be removed within ten days after the election.

(C) Except as provided in (2), (A) and (B) of this subsection, temporary political campaign signs are subject to all other applicable provisions of Chapter 4-3, Chapter 4-15-12 and Chapter 8-3-95 that pertain to Type 3 on-premise signs.

(3) Signs reading “future site of” or similar wording will be allowed as an on-premise sign without

any activity being apparent on the site for one-year from date of installation provided the following conditions have been met:

(A) The Colville Confederated Tribal Roads Department has received a letter of notification of intent from the owner of the proposed advertised activity.

(B) The sign shall not inform of activities conducted elsewhere.

(C) The maximum size of a future site sign shall not be greater than one hundred fifty square feet. The sign must be removed at the end of the one-year time period if the advertised activity has not become operational.

(d) Type 4: Signs within twelve air miles of advertised activities. Signs not prohibited by Tribal and state law which are consistent with the applicable provisions of this Chapter and which advertise activities conducted within twelve air miles of such signs.

(e) Type 5: Signs in the specific interest of the traveling public. Signs authorized to be erected or maintained by Tribal and state law which are consistent with this Chapter and which are designed to give information in the specific interest of the traveling public.

(f) Type 6: Signs lawfully identified are subject to the approval of the Colville Confederated Tribes Archeology and History Program, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of Chapter 4-4, Cultural Resources Protection.

(g) Type 7: Public service signs located on school bus stop shelters, which:

(1) Identify the donor, sponsor or contributor of said shelters;

(2) Contain safety slogans or messages which do not pertain to the donor and occupy not less than sixty percent of the area of the signs. In addition to this area limitation the donor identification portion of the sign may not appear more prominently than the safety slogan message;

(3) Contain no other message;

(4) Are located on school bus shelters which are authorized or approved by Tribal law, regulation or ordinance, off the highway right of way. No school bus shelter shall be located along fully controlled access highways without permission of the Tribes pursuant to Chapter 4-3, Land Use and Development; and

(5) Do not exceed thirty-two square feet in area. Not more than one sign on each shelter may face in anyone direction. The sign shall not protrude above the roofline or beyond the sides of the shelter.

(h) Type 8: Temporary agricultural directional signs, with the following restrictions:

(1) Signs shall be posted only during the period of time the seasonal agricultural product is being sold;

(2) Signs shall not be placed adjacent to the Tribal System Roads unless the sign qualifies as an Type 3 on-premise sign;

(3) Signs shall not be placed within an incorporated city or town, but may be placed in un-zoned areas and areas zoned for agricultural, commercial, and industrial activities;

(4) Premises on which the seasonal agricultural products are sold must be within fifteen miles of

the state highway, and necessary supplemental signing on local roads must be provided before the installation of the signs on the state highway;

(5) Signs must be located so as not to restrict sight distances on approaches to intersections, or restrict the visibility of other authorized signs; and

(6) The minimum spacing between sign structures shall be three hundred feet. For the purposes of this subsection, a back-to-back sign and a V-type sign shall be considered one sign structure (spacing is independent of off-premise (Type 4 and Type 5) signs).

**4-21-21 Signs along scenic, primary, and interstate systems**

Signs of Types 4 shall not be erected or maintained within view of the main-traveled way of the scenic or primary system, except that signs visible from the main-traveled way of the primary system within commercial and industrial areas shall be permitted as provided in WAC 46866-110. Only signs of Type 1, Type 2, Type 3, Type 4 and Type 5 shall be erected or maintained within view of the main-traveled way of the interstate system to the extent and in the manner permitted by WAC 468-66-080, WAC 468-66-090, and WAC 468-66-100U. After May 10, 1974, no Type 4 or Type 5 signs shall be maintained within view of the main-traveled way of the interstate system outside of commercial and industrial areas. Signs of Type 7 and Type 8 may be erected or maintained within view of the primary and scenic highway systems to the extent and manner permitted by Chapter 4-3.

**4-21-22 On-premise signs (Type 3)**

(a) Not more than one Type 3 sign visible to traffic proceeding in anyone direction on an interstate system, primary system outside an incorporated city or town or commercial or industrial area, or scenic system highway may be permitted more than fifty feet from the advertised activity. The entire sign installation shall be located within the fifty feet distance.

(b) For the purpose of measuring from the “advertised activity,” the distance shall be measured from the sign to the nearest portion of that building, storage, or other structure, or processing area, which is the most regularly used and essential to the conduct of the activity.

(c) For signs advertising shopping centers, malls and business combinations, the distance from the “advertised activity” may be measured from the nearest portion of a combined parking area for purposes of allowing a single on premise sign.

(1) In the event that a shopping center, mall or business combination does erect a single on-premise sign as permitted herein, such sign may identify each of the individual businesses conducted upon the premises, and may include a single display area such as a manually changeable copy panel, reader board, or electronically changeable message center for advertising on premise activities.

(2) Individual business signs in such a center, mall or combination area are not permissible more than fifty feet from the individual activity.

(d) A Type 3 sign permitted more than fifty feet from the advertised activity pursuant to subsection (a) of this section shall not be erected or maintained a greater distance from the advertised activity than one of the following options selected by the owner of the business being advertised:

(1) One hundred fifty feet measured along the edge of the protected highway from the edge of the main entrance to the activity advertised (when applicable);

(2) One hundred fifty feet from any outside wall of the main building of the advertised activity; or

(3) Fifty feet from any outside edge of a regularly used parking lot maintained by and contiguous to the advertised activity.

(e) One Type 3 sign in each direction, not exceeding fifty square feet in area bearing only the name and a directional message, indicating the location of a business, farm, ranch or orchard may be allowed on such premises that were in existence on the date of approval of this Chapter, provided that the following conditions exist:

- (1) No other Type 3 signs legible from the main traveled lanes of the highway are maintained.
- (2) The sign is located on property abutting the highway where ownership or unrestricted lease is contiguous to and includes the advertised activity and not on a strip or parcel of land deemed by the Colville Confederated Tribes Roads Department to be acquired for the sole purpose of outdoor advertising.
- (3) No Type 4 or Type 5 signs which are visible from the main-traveled way of the Tribal roads shall be erected or maintained in any manner inconsistent with the following:

(A) In advance of an intersection of the main-traveled way of the highway and an exit roadway, such signs visible to traffic approaching such intersection may not be permitted to exceed the following number:

Distance from intersection	Number of signs
0-2 miles. . . . .	0
2-5 miles. . . . .	6
More than 5 miles . . . . .	Average of one sign per mile

The specified distances shall be measured to the nearest point of the intersection of the traveled way of the exit roadway and the main-traveled way of the highway.

(B) Subject to the other provisions of this section, not more than two such signs may be permitted within any mile distance measured from any point, and no such signs may be permitted to be less than one thousand feet apart.

(C) Such signs may not be permitted adjacent to any highway right of way upon any part of the width of which is constructed an entrance or exit roadway.

(D) Such signs visible to highway traffic which is approaching or has passed an entrance roadway may not be permitted for one thousand feet beyond the furthest point of the intersection between the traveled way of such entrance roadway and the main-traveled way of the highway.

(E) Not more than one such sign advertising activities being conducted as a single enterprise or giving information about a single place may be permitted to be erected or maintained in such manner as to be visible to traffic moving in any one direction on any one Tribal system Road. Preference of applicants for Type 4, Type 5, and Type 8 sites. Applications for available Type 4, Type 5, and Type 8 sign sites, where the number of applications shall exceed the available sites, shall be awarded upon the following preferential basis:

- (i) Department or enterprises of the Confederated Tribes of the Colville Indian Reservation in order of their applications.
- (ii) State, Counties, or incorporated cities in the order of their applications.
- (iii) Federal agencies in the order of their applications.
- (vi) All other applicants in the order of their applications, giving preference, however, to the holder of an existing permit for renewal thereof. In the event the



Colville Confederated Tribes Planning Department has initiated proceedings for removal of an existing sign situated on a legal site, the Planning Department will not accept new applications until such proceedings are concluded. All applications received during the Planning Department's normal office hours during the same day shall be construed as having been received simultaneously. In the case of a tie between applicants, and upon notification thereof by the Planning Department, the Planning Department shall determine by lot, which shall receive the permit.

**4-21-23 Advertising copy**

(a) A Type 4 sign that displays any trade name which refers to or identifies any service rendered or product sold, used or otherwise handled more than twelve air miles from such sign may not be permitted unless the name of the advertised activity which is within twelve air miles of such sign is displayed as conspicuously as such trade name.

(b) In Type 5 signs, only information about public places operated by federal, state or local governments, natural phenomena, historic sites, areas of natural scenic beauty or naturally suited for outdoor recreation, and places for camping, lodging, eating and vehicle service and repair is deemed to be information in the specific interest of the traveling public only if it identifies or characterizes such a place or identifies vehicle service, equipment, parts, accessories, fuels, oils or lubricants being offered for sale at such a place. Signs displaying any other trade name may not be permitted under Type 5.

(c) Notwithstanding the provisions of subsection (a) of this section, Type 4 signs that also qualify as Type 5 signs may display trade names in accordance with the provisions of subsection (b) of this section.

(d) A Type 8 sign shall contain the business name, product(s) for sale, and travel direction and distance to the nearest mile from the intersection with the Tribal System Road to the business activity. The materials and workmanship in fabricating and installing the signs should have a professional appearance.

**SIGN ERECTION AND REMOVAL REQUIREMENTS**

**4-21-30 Signs within commercial and industrial areas of primary system**

Signs visible from the main-traveled way of the primary system within commercial and industrial areas whose size and spacing are consistent with the customary use of property for the effective display of outdoor advertising as set forth in this section may be erected and maintained. Nothing in this section shall restrict Type 3 signs located along any portion of the primary system within an incorporated city or town or within any commercial or industrial area.

(a) Size of signs:

(1) The maximum area for any one sign shall be six hundred seventy-two square feet with a maximum height of twenty-five feet and maximum length of fifty feet inclusive of any border and trim but excluding the base or apron, supports and other structural members. Cut-outs and extensions may add up to twenty percent of additional sign area.

(2) For the purposes of this subsection, double-faced, back to-back or V-type signs shall be considered as two signs.

(3) Signs, which exceed three hundred twenty-five square feet in area, may not be double-faced (abutting and facing the same direction).

(b) Spacing of signs:

(1) Signs may not be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.

(2) On limited access highways, no two sign structures shall be spaced less than one thousand feet apart, and no sign may be located within three thousand feet of the center of an interchange, a safety rest area or information center, or within one thousand feet of an intersection at grade. Double-faced signs shall be prohibited. Not more than a total of five sign structures shall be permitted on both sides of highway per mile.

(3) On non-controlled access highways inside the boundaries of incorporated cities and towns not more than a total of four sign structures on both sides of the highway within a space of six hundred sixty feet shall be permitted with a minimum of one hundred feet between sign structures. In no event, however shall have more than four sign structures be permitted between platted intersecting streets or highways. On non-controlled access highways outside the boundaries of incorporated cities and towns minimum spacing between sign structures on each side of the highway shall be five hundred feet.

(4) For the purposes of this subsection, a back-to-back sign and a V-type sign shall be considered one sign structure.

(5) Official signs, signs advertising activities conducted on the property on which they are located (Type 2 and Type 3 signs), public service signs on school bus stop shelters (Type 7 signs), and temporary agricultural directional signs (Type 8 signs) shall not be considered in determining compliance with the above spacing requirements. The minimum space between structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply to signs located on the same side of the highway.

**4-21-31 Signs erected prior to this Chapter in Commercial and Industrial areas along the Primary System**

Signs lawfully erected and maintained which are visible from the main-traveled way of the primary system within commercial and industrial areas on the approval of this Chapter shall be permitted to remain and be maintained. Such signs, however, shall be included in the determination of spacing requirements for additional signs as permitted by Chapter 4-3.

**4-21-32 Signs to be removed**

Non-visible signs within the main-traveled way of the Tribal System Road, the primary system, or the scenic system which was there lawfully maintained immediately prior to enactment of this Chapter, but which does not comply with the provisions of this Chapter, shall be maintained by any person:

(a) After the date of enactment of this Chapter; or

(b) With respect to any highway hereafter designated as a part of the scenic system, after one year from the effective date of the designation. Signs located in areas zoned by the Colville Tribes for predominantly commercial or industrial uses, that do not have development visible to the highway, as determined by the Tribes Planning Department, and that were lawfully installed after the enactment of this Chapter, visible to any highway now or hereafter designated by the legislature as part of the scenic system, shall be allowed to be maintained.

**APPLICATIONS—PERMITS—PENALTIES**

**4-21-40 Applications**

(a) Application forms shall contain:

(1) The name and address of the owner of the sign;

(2) A statement and the signature of the owner or occupant of the land on which the sign is to be erected or maintained, indicating that he has consented thereto;

(3) A statement of the precise location where the sign is to be erected or maintained;

- (4) A statement of the proposed size and shape of the sign.
- (5) For Type 5 signs, application forms to request a sign to be erected along the interstate system shall contain a description of the copy to be placed on the sign;
- (6) Such other information as may be required by the Tribes Planning Department;
- (7) Applications transmitted by mail shall be effective from date of receipt, rather than of mailing.
- (8) For Type 8 signs, application forms accompanied by a fee of fifty dollars for each sign face must be submitted to the Colville Tribal Planning Department and submittals must include, in addition to (1) through (7) of this subsection, an exact description of the location of the temporary agricultural business activity, a description of the proposed sign copy, identification of the products sold, expected weeks/months of sales, and assigned tax number. After approval of the application by the Colville Tribal Planning Department, the sign may be erected at the beginning of the sale season and must be removed at the end of the sale season.

(b) Applications shall be accompanied by a fee of three hundred dollars for each sign face. Approved applications shall be valid for five consecutive years from the date of application approval. A new application must be submitted and approved prior to erection of a sign at a location where the five-year validation has expired.

For any Type 8 signs not in compliance with this Chapter, the Colville Tribal Planning Department shall request the Reservation Attorneys (ORA) on their behalf to institute legal proceedings to cause such sign to be removed as an illegal sign without payment of compensation. Subsections 4-21-40(b) and 4-21-41(d), (e) and (f) do not apply to Type 8 signs.

#### **4-21-41 Permits**

(a) Permits shall be issued upon the approval of an applicant and shall be valid for five consecutive years from the date of the application approval. A new permit must be obtained prior to erection of a sign at a location where the five-year validation has expired.

(b) No signs except Type 1, Type 2, or Type 3 signs shall be erected or maintained adjacent to the Tribal System Road, or scenic system highways without permit issue by the Tribes. Permits for erection and maintenance of signs adjacent to the Tribal System Road, primary system, or scenic system will be issued by the Tribes in accordance with this Chapter.

(c) Applications for permits (except for Type 8 signs) will be accepted only at the Colville Tribal Planning Department in Nespelem, Washington.

(d) Changes in size, shape, or position of a permitted sign shall be reported to the Colville Tribal Planning Department located at Nespelem, Washington (Agency Campus) at least ten days before a change is to be made.

In the case of Type 5 signs permitted along the Tribal System Road, changes in copy shall be reported 10 days before a change is to be made.

(e) Assignment of permits in good standing shall be effective only upon receipt of assignment by the Tribes.

(f) Every permit issued by the Tribes shall be assigned a separate identification number, and it shall be the duty of each permittee to fasten to each sign a weatherproof label, not larger than six square inches, which shall be furnished by the Tribes and on which shall be plainly visible the said permit number. The permittee shall also place his name in a conspicuous position on the front or back of each sign.

(g) A permit issued under this Chapter does not relieve the permittee from the duty to comply with all local rules, regulations, and ordinances pertaining to signs and sign structures.

**4-21-42 Penalties**

(a) After hearing, as required by Chapter 2-4, Administrative Procedure Act and the rules and regulations of the Tribes adopted pursuant thereto, any permit may be revoked without refund by the Tribes for any of the following reasons:

(1) For the making of any false or misleading statements in the application for any permit, whether or not the same is material to or relied upon by the Tribes in the issuance of such permit when such false or misleading statement or information shall remain uncorrected after the expiration of fifteen days following written notification thereof.

(2) For allowing or suffering any sign to remain in a condition of disrepair or unreasonable state of repair after the expiration of fifteen days following written notification thereof.

(3) For maintaining any sign, for which a permit has been issued, in violation of any provision of this Chapter after the expiration of fifteen days following written notification thereof.

(4) For any convictions of a violation of this Chapter, any permit held by the convicted person may be revoked whether or not such violation is related to the sign for which the permit is revoked.

(5) For maintaining a discontinued sign as defined in this Chapter.

(b) Notice whenever required herein shall be given to the person entitled thereto by registered mail at the last known address of such person which shall be such address as may be on file with the Planning Department, if any, otherwise the last address of such person shown by the property records of BIA Realty and or the county in which the real property upon which the sign in question is maintained.

(c) The computation of time shall begin from the date the Planning Department mailed the notice, rather than the day of receipt.

(Enacted 3/16/06, Resolution 2006-77)