SEATTLE
DCI

Director's Rule 4-2016

Applicant: City of Seattle Department of Construction and Inspections	**Page** 1 of 2	**Supersedes:** 15-96
	Publication: 12/4/2014	**Effective:** 2/16/2016
Subject: Noncommercial Speech on Signs	**Code and Section Reference:** SMC 23.84A.036	
	Type of Rule: Code Interpretation	
	Ordinance Authority: SMC 3.06.040	
Index: Title 23 Land Use Code	**Approved** (signature on file) Nathan Torgelson, Director, SDCI	**Date** 2/11/16

BACKGROUND:

The purpose of this rule is to state explicitly how the City's Land Use Code and related provisions regulating signs apply to noncommercial speech. This rule does not change the City's past practice of allowing noncommercial speech on all authorized signs where commercial speech is allowed.

The Land Use Code (SMC 23.84A.036) contains the following definitions:

'Sign' means any medium, including structural and component parts that is used or intended to be used to attract attention to the subject matter for advertising, identification or informative purposes.

'Sign, advertising' means a sign directing attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the lot where the sign is located.

'Sign, business' means an on-premises sign directing attention to a business, profession, commodity, service or entertainment conducted, sold or offered on the lot where the sign is located. This definition shall not include signs located within a structure except those signs oriented so as to be visible through a window.

"Sign, off-premises" means a sign relating, through its message and content, to a business activity, use, product or service not available on the premises upon which the sign is erected.

"Sign, on-premises" means a sign or sign device used solely by a business establishment on the lot where the sign is located that displays either: (1) commercial messages that are strictly applicable only to a use of the premises on which it is located, including signs or sign devices indicating the business transacted, principal services rendered, goods sold or produced on the premises, name of the business, and name of the person, firm or corporation occupying the premises; or (2) noncommercial messages. For the purposes of this definition, "business transacted, principal services rendered, goods sold or produced on the premises" does not include: (a) the sale or donation of a gift card, gift certificate, coupon or other document that can be exchanged in part or whole for an item or good that is not directly sold or produced or a service rendered where the gift card, gift certificate, coupon or other document is sold or donated; or (b) access by phone, computer or any other device to allow a person to obtain an item or good that is not directly sold or produced or a service rendered where the access by phone, computer or other device is offered. This definition does not include signs located within a structure except those signs oriented so as to be visible through a window.

RULE

These Code definitions are used to classify signs as either off-premises (or advertising signs) or on-premise (or business) signs because each class of sign is subject to different regulations. The Code has never been interpreted to restrict display of noncommercial speech on authorized signs. It is consistent with the Codes to put noncommercial messages on authorized on-premise,(business) and off-premise (advertising) signs. Placement of a noncommercial message on an authorized on-premise sign does not convert that sign into an off-premises (advertising) sign.

Any sign authorized in the Land Use Code, and all related provisions, may contain noncommercial subject matter in lieu of any other subject matter without changing the established use of the sign.