

ORDINANCE NO. 898

AN ORDINANCE REGULATING SIGNS: PROVIDING PENALTIES FOR VIOLATION THEREOF AND REPEALING ORDINANCE NO. 558.

THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1.010. Purpose and Scope. The purpose of this ordinance is to protect the safety, property and welfare of the public by establishing standards for the design, quality of materials, construction, location, electrification, illumination and maintenance of all signs and sign structures not located within a building.

These standards, for purposes of this ordinance, are based upon the following concepts:

(1) The primary purpose of signs is to identify business premises; and public has a right to see and the businessman has a right to have his identification visible. The advertising of goods, products or services is considered incidental to this primary purpose.

(2) Uncontrolled use of signs for advertising interferes with this primary purpose of signs for identification.

(3) It is necessary to protect residential neighborhoods from the destruction of residential atmosphere that results from the glare and confusion that many signs introduce.

Section 1.020. Definitions. The following words and phrases, where used in this ordinance, shall for the purpose of this ordinance have the meanings ascribed to them in this section.

(1) Clearance. Clearance is measured from the highest point of the grade below the sign to the lowest point of the sign.

(2) Curb Line. Curb Line is the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the city engineer.

(3) Display Surface. Display Surface is the area made available by the sign structure for the purpose of displaying the advertising message.

(4) Electrified Sign. Electrified Sign is any sign containing electrical wiring, but not including signs illuminated by an exterior light source.

(5) Erect. Erect shall mean to build, construct, attach, place, suspend or affix and shall also include the painting of wall signs.

(6) Height. Height is measured from the highest point of the grade below the sign to the highest point of the sign.

(7) Marquee. Marquee is a permanent roofed structure attached to and supported by the building and projecting over public property.

(8) Person. Individuals, corporations, firms, partnerships, associations and joint stock companies.

Premises., A lot, parcel or tract of land occupied or to be occupied, by a building or unit or group of buildings and its accessory buildings.

- (10) Projecting Sign. Projecting Sign is a sign other than a wall sign, which projects from and is supported by a wall of a building or structure.
- (11) Projection. Projection is the distance by which a sign extends over public property or beyond the building line.
- (12) Sign. Sign is any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes other than paint on the surface of a building.
- (a) Reader Board. A sign so designed that the message may be changed by removal or addition of specially designed letters that attach to the face of the sign.
- (b) Externally Illuminated Sign. A sign illuminated by an exterior light source which is primarily designed to illuminate only the sign.
- (c) Internally Illuminated Sign. A sign which is wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.
- (d) Off-Premise Sign. A sign which advertises a business or goods, services or facilities provided elsewhere than the premises on which the sign is located.
- (e) On-Premise Sign. A sign which advertises only the business or goods, services or facilities located on the premises on which the sign is located and shall also mean and include a sign advertising the sale or lease of the property on which the sign is located.
- (f) Outdoor Advertising Sign or Billboard. A sign which advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located and with display surface or surfaces primarily designed for the purpose of painting or posting an advertising message thereon at periodic intervals.
- (g) Secondary Sign. An incidental, permanent, on-premise, attached wall sign or sign on the face of a marquee or canopy or on a wall facade for signs or an under marquee sign.
- (h) Temporary Sign. Any sign, regardless of construction material, which is not permanently mounted and/or is intended to be displayed for a limited period of time only.

(i) Time and Temperature Sign. A message sign providing only time and temperature information or a sign providing such information by means of a mechanically activated dial, but not both.

(j) Under-Marquee Sign. A sign which is erected or maintained under and supported by a marquee.

(13) Sign Structure. Sign structure is any structure which supports or is capable of supporting any sign as defined in this code. A sign structure may be a single pole and may or may not be an integral part of the building.

(14) Structure. Structure is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Section 1.030. General Standards.

(1) No sign shall be placed over a required yard, or be placed in or extended over a street, except as specifically provided in Sections 1.040 through 1.090.

(2) Maintenance. All signs, together with all of their supports, braces, guys, anchors and electrical equipment, shall be kept fully operable, in good repair and maintained in safe condition and in a neat, clean and attractive condition. The display surfaces of all signs shall be kept neatly painted or posted.

Section 1.040. Signs in Residential Zones. In an R-1 and R-2 Zone, no sign shall be allowed except the following:

(1) A sign identifying only the name of the owner or occupant of a building; provided, such sign does not exceed six inches by 18 inches in size, is nonilluminated, and is located entirely within the property lines of the lot.

(2) A sign pertaining to the lease or sale of a building or property; provided, such sign does not exceed six square feet in area and is located flat against the building or, if constructed of wood and/or metal, is not less than 10 feet from the front lot line.

(3) One identification sign facing each bordering street, not to exceed 24 square feet in area, for any permitted use except home occupations and residences. Such sign shall be solely for the purpose of displaying the name of the institution and its activities or services. It may be illuminated but nonflashing, and shall not be located in a required yard.

(4) Temporary sign, for one year subject to renewal if adequately maintained, advertising a new subdivision; provided, such sign does not exceed 30 square feet in area, advertises only the subdivision in which it is located, and is erected only at a dedicated street entrance and within the building lines. Such sign shall be removed if construction of the subdivision is not in progress within 60 days following the date of the sign permit.

(5) In the R-2 zone, one business sign not to exceed 24 square feet in area for the following uses: multiple-family dwelling, motel, mobile home park, and boarding, lodging or rooming house. Such sign shall be solely for the purpose of displaying the name and services of the business. It may be illuminated but nonflashing.

Section 1.050. Signs in the Commercial Highway C-2; Commercial Neighborhood C-3; and Planned Recreation Commercial PRC Zones. In the C-2, C-3 and PRC Zones, the following types of signs may be erected.

(1) Signs permitted in Section 1.040.

(2) Business sign, provided the total square footage of the sign for each business does not exceed an area equal to one square foot for each foot of frontage of the property occupied by the business, and shall be located so it will not extend beyond the property line and shall be not less than 12 feet above grade. Any sign less than 12 feet above grade shall be located five feet back from the property line, and no part of the sign shall extend over this five-foot setback.

(3) A sign identifying a group of businesses combined as a shopping center is considered to be a business sign. Such sign shall not contain the names of individual businesses in the center, shall not exceed one square foot in area for each foot of frontage of the property occupied by the center or 300 square feet, whichever is the least, and shall be located so it will not extend beyond the property line and shall be not less than 12 feet above grade. The area of a shopping center sign shall be considered as independent of permitted sign areas for the individual businesses.

(4) Signs in these zones may be illuminated but non-flashing.

Section 1.060. Signs in the Commercial Central C-1 and Industrial M Zones. In the C-1 and M Zones, business signs and advertising signs are permitted; provided, such signs are not located within or extended over a required yard or street, except as follows:

(1) Where a front or street side yard is required, one business sign for each business, facing each street on which the business is located, may be erected on or within the property line; provided, a horizontal clearance between the sign and the curblin be not less than two feet. A sign projecting more than two-thirds of the distance from the property line to the curblin shall be not less than 12 feet above grade. A sign projecting less than two-thirds of the distance from the property line to the curblin shall be not less than eight feet above grade.

(2) In the instance of a building located on the required yard line, a sign may be erected; provided, a horizontal clearance between the sign and the curb line shall be not less than two feet. A sign projecting more than two-thirds of the distance from the property line to the curb line shall be not less than 12 feet above grade, and a sign projecting less than two-thirds of the distance from the required yard line to the curb line shall be not less than eight feet above grade.

Section 1.070 Marquee Signs.

(1) Signs located under marquees shall not project more than 12 inches below the marquee, and shall have a maximum length of four feet two inches, and shall be not less than eight feet above the sidewalk or grade line. Reader board signs on theater marquees complying with all other provisions of this section shall be permitted.

Section 1.080. Temporary Signs.

(1) Temporary signs meant to advertise particular events or sales are not permitted to be placed in any location other than upon the premises upon which the event or sale is taking place, or upon the property or a consenting property owner no further than 1 mile from the premises upon which the event or sale is taking place, unless prior approval is obtained from the Council.

(2) Temporary signs must be removed upon the termination of the event or sale being advertised.

(3) Temporary signs located in public rights-of-way, except with prior approval of the Council, or upon the property of a property owner not consenting to the placement of such sign may be removed immediately by the Police Department.

(4) The Police Department shall also be empowered to issue citations for posting of temporary signs in public rights-of-way or upon the property of a property owner not consenting to the placement of such sign. Such citation shall be issued to the person sponsoring the event or sale at the premises indicated by the temporary sign.

Section 1.090. Special Signs.

(1) Signs which either do not lend themselves to the ordinary processes of measurement because they are integrated into the design of the building structure, or signs designed for a special purpose which makes strict application to this ordinance difficult, may be permitted when the Board of Appeals finds such signs in conformance with the intent of this ordinance and appropriate to the type of development or structure to which they are related.

Section 1.100. Prohibited Signs. No sign shall be constructed, erected or maintained:

(1) Which purports to be, or is an imitation of, or resembles an official traffic sign or signal, or which bears the words "STOP", "GO SLOW", "CAUTION", "DANGER", "WARNING", or similar words.

(2) Which by reason of its size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control device; or which hides from view any traffic or street sign or signal.

(3) Which advertises or publicizes an activity, business, product or service not conducted on the premises upon which such signs are maintained if such activity, business, product or service is more than one mile from such premises.

(4) Which rotates or has a rotating or moving part or parts that revolve at a speed in excess of five revolutions per minute. Reader board signs shall not be allowed to rotate.

(5) Lighting on signs shall be deflected so as not to shine directly into any adjacent residential quarters.

(6) Blanketing. No sign shall be located so as to substantially obstruct the view of a sign on adjoining property when viewed from a distance of 200 feet at any point four feet above the roadway grade of the traffic lane closest to the street property line.

(7) No sign is permitted which has a visible "A" frame or trusses as part of the sign or sign structure. Guy wires are permitted for support of a sign only in instances in which no other means of safe support exists. Trusses and frames which support signs will be enclosed with the supporting structures constructed as a part of the continuation of the sign.

Section 1.110. Enforcement, Inspection and Administration.

(1) Enforcement. The building inspector and/or city manager are hereby authorized and directed to enforce all of the provisions of this ordinance except Section 1.080, which shall be enforced by the City Police Department.

(2) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the building official or his authorized representative has reasonable cause to believe that there exists any sign or any condition which makes such sign unsafe, the building official or his authorized representative may enter the premises or building on which such sign is located at all reasonable times to inspect the sign or to perform any duty imposed upon the building official by this code; provided, that if such building or premises on which the sign is located be occupied, he shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the building official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to promptly permit entry therein by the building official or his authorized representative for the purpose of inspection and examination pursuant to this ordinance.

(3) Permits. Permits must be obtained from the building inspector prior to placement of the sign for the following signs:

(a) Electrified signs.

(b) Signs occupying any part of the area from a property line to a curb line.

(4) Inspection. Signs for which a permit is required shall be inspected by the building inspector for conformance with the requirements of this ordinance and any other applicable ordinance of the City of Sweet Home.

(5) Removal of signs. The building inspector may cause the removal of signs if any of the following conditions are met:

(a) The building inspector finds that a sign or structure is in violation of the Uniform Building Code, and that by reason of its condition it presents an immediate and serious danger to the public.

(b) The building inspector finds that a sign is abandoned by its owner. Abandonment occurs when the business advertised by the sign has discontinued operations upon the premises upon which such sign is located. The following signs are not considered to be abandoned for the purposes of this sub-section:

(1) Billboards, where a person has merely leased or contracted advertising space thereon.

(2) Signs which the successor to a person's business location or business agrees to maintain, as provided in this ordinance.

(6) Procedures for removal. The building inspector shall not remove any sign without first notifying in writing its owner, and the owner of the premises upon which the sign is located, at their last known addresses, and allowing 30 days to elapse. During the 30-day period, the owner of the sign or the owner of the premises upon which the sign is located may remove the sign or appeal the ruling of the building inspector in accordance with Section 1.100(7).

(7) Liens for cost of removal of signs. After the unsafe sign or the abandoned sign has been removed, the building inspector shall promptly report to the city manager the cost thereof, including the sum of \$25.00 administrative costs for each sign. Upon receipt thereof, the city manager shall cause a written notice to be given to the owner of the premises on which the sign was located, and also to the owner of the sign, if he is known, either personally or by mailing to his last known mailing address; and shall post a copy thereof on the premises, stating the amount of costs of removing said sign, describing the premises with reasonable certainty, giving notice that such amount will be considered by the council at a meeting at the time and place specified in the notice as the amount to be assessed against said premises as a lien, and that any person having an interest in the premises may appear and be heard at said meeting with respect thereto. At the time and place specified in the notice mentioned, the council shall meet and shall consider any protests or objections to the levying of the cost herein referred to as a lien upon such premises; and after considering such protests and objections, if any, shall determine what amount shall be made a lien on such premises and shall, by resolution, direct the city recorder to enter such charges in the city lien docket as a lien upon the premises so affected. Each such lien shall be a lien upon the lot or parcel of land against which it is charged in the same manner as is now or hereafter provided for the foreclosure of liens for special improvements to property within the city.

(8) Disposition of signs after removal. The building inspector shall notify the owner of a removed sign, and the owner of the premises upon which the sign was located, of the costs of its removal. The owner of the sign and/or the owner of the premises upon which the sign was located shall have ten days following the issuance of notice of costs of removal in which to pay the costs of removal, in which case the owner shall be allowed to have the sign. However, if the owner of the sign or the owner of the premises upon which the sign was located does not pay the costs of removal within ten days, then the building inspector shall dispose of the sign by junking or by auction to the highest and best bidder for cash, whichever he determines most advantageous to the City.

(9) Nonconforming signs. Any nonconforming sign which is structurally altered, relocated or replaced shall immediately comply with all provisions of this ordinance.

(10) Sign amortization period. Signs which do not conform to this ordinance but which existed and were maintained as of the date of this ordinance shall, within five (5) years of the date of this ordinance, be removed or be made to conform. During the interim period, said nonconforming signs shall be maintained in good repair and visual appearance and no structural alterations be made thereto, unless to preserve the safety of such sign or to bring it into conformance with this ordinance.

Section 1.120. Penalty. Violation of this ordinance constitutes an infraction and may be prosecuted under the provisions of Ordinance No. 886.

Section 1.130. Interpretation. Where the conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions which are more restrictive shall govern.

Section 1.140. Severability. The provisions of this ordinance are severable. If any section, sentence, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

Section 1.150. Repeal. Ordinance No. 558, Article 4, and all amendments thereto are repealed with the provisions that violations of Ordinance No. 558 and all amendments thereto shall remain violations to the extent that the matters in violation do not conform to the provisions of this ordinance.

PASSED by the Council and approved by the Mayor this 29th day of June, 1983.



Mayor

ATTEST:



City Manager - Exofficio City Recorder