

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

In the Matter of an Ordinance Amending)	
Chapter 17.88, Sign Regulations, of Title 17,)	
Land Development Code, of the)	Ordinance No. 08-O-608
Brookings Municipal Code, in its entirety.)	

Sections:

- Section 1. Ordinance Identified.
- Section 2. Amends Chapter 17.88.

The City of Brookings ordains as follows:

Section 1. This Ordinance amends Chapter 17.88, Sign Regulations, of Title 17, Land Development Code, of the Brookings Municipal Code (BMC) in its entirety.

Section 2. Amends Chapter 17.88, Sign Regulations, in its entirety, to read as follows:

**Chapter 17.88
SIGN REGULATIONS**

Sections:

- 17.88.010 Purpose.
- 17.88.020 Definitions.
- 17.88.030 Application.
- 17.88.040 Exempt signs.
- 17.88.050 Signs expressly prohibited.
- 17.88.060 Residential districts.
- 17.88.070 Professional office (PO-1) district.
- 17.88.080 Public open space (P/OS) district.
- 17.88.090 Commercial (C-1, C-2, C-3, C-4) and industrial (I-P, M-2) districts.
- 17.88.100 General standards for signs in all zones
- 17.88.110 Nonconforming signs.
- 17.88.120 Termination of signs by abandonment.
- 17.88.130 Appeals and variances.

17.88.010 Purpose.

The purpose of this chapter is to integrate the advertising needs of the business community by means of outdoor signage, to provide for safe construction location, erection, and maintenance of signs and minimize adverse safety factors and insure visibility for travelers on public streets and on private areas open to public travel

- Sign criteria and standards can enhance the economic vitality and contribute to the visual quality of the city of Brookings and prevent a proliferation of signs and sign clutter.
- Well designed and constructed signs attract the eye, complement each other and draw attention to the building containing the businesses for which they are intended to advertise while considering the aesthetics of the community.
- This Chapter is intended to protect the health, safety, and welfare of the community.

The Brookings Sign Code is not intended to, and does not restrict speech on the basis of its content, viewpoint or message. Any classification of signs in this chapter that permits speech by reason of the type of sign, identity of the sign user or otherwise, shall permit any type of speech on the sign. No part of this chapter shall be construed to favor commercial speech over noncommercial speech. To the extent any provision of this chapter is ambiguous, the term shall be interpreted to not regulate on the basis of speech content, and the interpretation resulting in the least restriction on the content of the sign message shall prevail. [Ord. 89-O-446 § 1.]

17.88.020 Definitions.

The following definitions apply to material and subjects addressed specifically within this chapter.

“Alter” means any changes excluding content, and including but not limited to size, shape, method of illumination, position, location, materials, construction, or supporting structure of a sign.

“Awning” means a temporary or movable shelter supported entirely from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.

“Business” means a commercial or industrial enterprise.

“Business frontage” means a lineal front footage of a building or portion thereof devoted to a specific business or enterprise, and having an entrance/exit open to the general public.

“Canopy” means a nonmovable roof-like structure attached to a building.

“Cloth sign” means sign printed on cloth, which may be authorized if it complies with applicable standards in Chapter 17.88 and is fastened securely to the structure.

“Directional signs” are signs located on property to guide traffic.

“Freestanding sign” means a sign erected on a frame, mast or pole and not structurally attached to any building.

“Illegal sign” means a sign which is erected in violation of this chapter.

“Marquee” means a nonmovable roof-like structure which is self-draining.

“Nonconforming sign” means all signs existing on the effective date of this code and not conforming to the provisions of this chapter.

“Public right-of-way” means travel area dedicated, deeded or under control of a public agency, including but not limited, to highways, public streets, bike paths, alleys and sidewalks.

“Public sign” means a sign erected by a public officer or employee in the performance of a public duty which shall include, but not be limited to, motorist, informational signs and warning lights, signs on public buildings and/ or giving direction to public facilities. A sign erected, constructed, or placed within the public right-of-way or on public property by or with the approval of the governmental agency having authority over, control of, or ownership of the right-of-way or public property.

“Sandwich board sign” means a portable triangle or A-frame shaped sign that is typically hinged on the top.

“Sign” means any notice, advertisement, or communication, including the supporting structure, used as an outdoor display for the purpose of advertising the property or establishment, or any type of communication.

“Sign, area” means the total amount of square footage within the outside dimensions of a sign face. Size calculations for double-faced signs consider only the outside dimensions of one side.

“Sign, blinking or moving” means signs with messages, symbols, or characters that change at intervals. The message, symbols or characters may not change more frequently than every 2 seconds.

“Street frontage” means that portion of a street that abuts a front lot line and from which the lot or parcel is accessed and addressed.

“Wall graphics” include but are not limited to any mosaic, mural or painting or graphic art technique or combination or grouping of mosaics, murals, or paintings or graphic art techniques, applied, implanted or placed directly onto a wall or fence.

“Window sign” is a permanent sign painted on or attached to the inside of a window and is designed to be viewed principally from outside the business.

“Wind sign or device” means any sign or device in the nature of banners, flags, balloons, or other object fastened in such a manner as to move upon being subject to pressure by wind or breeze. [Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.030 Application.

- A. For all areas of the city, a sign permit must be obtained before any sign, except those specifically exempted, is erected, placed, painted, constructed, carved or otherwise given public exposure. Any alteration of an existing sign must also first obtain a permit (see definition of alter). The sign permit application may be filed as a part of a larger application or separately. Applications shall be filed with the city manager or their designee, on an appropriate form in a manner prescribed by the city, accompanied by a sign permit application fee in the amount established by general resolution of the city council. A sign permit shall be issued only after a determination by the city manager, or their designee, that the proposed sign is in compliance with all provisions of this chapter.
- B. The following shall be submitted with each completed application:
 - 1. Filing fee;
 - 2. Plot plan, drawn to scale, of the lot, with dimensions, on which the sign is to be placed showing the location of the sign, the structure, with dimensions, and dimensions and locations of other existing signs on the property. If the sign is to be freestanding the plot plan must also show the distance from property lines and easements;
 - 3. Engineering wind load data for freestanding, roof-mounted, and perpendicularly mounted signs exceeding 5 square feet in size;
 - 4. A scale drawing of the sign and its support structure, indicating dimensions;
 - 5. If the proposed sign is lighted or uses electricity for any purpose, evidence that the sign is listed as being approved by a licensed testing facility, must be submitted with the application.
 - 6. Proof of a current business license unless exempt.
 - 7. The sign(s) authorized under a sign permit shall be installed within 90 days after the date of permit issuance. A 90-day extension can be requested by submitting a written statement explaining the need for additional time. [Ord. 96-O-446.BB § 5; Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.040 Exempt signs.

The following signs and devices shall not be subject to the provisions of this chapter:

- A. Memorial tablets, cornerstones or similar plaques not exceeding six square feet;
- B. Temporary political signs, provided the signs are removed within seven days following the election for which they are intended;
- C. Temporary, non-illuminated real estate or construction signs; provided that said signs are removed within 15 days from sale, lease or rental of the property, or the completion of the construction project. The following standards shall apply to signs:
 - 1. One unlighted temporary sign not exceeding 16 square feet in area shall be permitted for the lease, rental, or sale of property, or for the construction of a structure thereon in residential districts;

2. One unlighted temporary sign not exceeding 32 square feet in area shall be permitted for the lease, rental, or sale of property, or for the construction of a structure thereon in commercial and industrial districts;
 3. One unlighted temporary sign not exceeding 32 square feet in area shall be permitted advertising a new subdivision on the property;
 4. One unlighted temporary sign not exceeding 16 square feet in area advertising the finance company for a structure.
 5. One unlighted temporary sign not exceeding 16 square feet in area advertising the finance company for a subdivision.
 6. Additional signage may be requested by submitting an application pursuant to BMC 17.88.030(B) accompanied by the sign permit fee and a statement explaining the need for the additional signage to the Site Plan Committee. The Site Plan Committee decision may be appealed pursuant to BMC 17.80.060.
- D. Temporary signs for new businesses, for a period not to exceed 30 days;
 - E. Paper signs that serve as a notice of a public meeting that shall be promptly removed after such meeting is held;
 - F. Small directional signs located on the property to guide traffic;
 - G. Signs placed by state or federal governments for the purpose of identifying public works projects or publicly funded and/or sponsored projects, designed to fulfill the requirements of state or federal funding agencies;
 - H. Temporary signs for events of a general city-wide civic or public benefit;
 - I. Nameplates provided it does not exceed 72 square inches;
 - J. Public signs;
 - K. Businesses which have more than one freestanding sign existing on the effective date of this code. Each sign must meet the size requirements as stated in the code. Signs which advertise a business no longer conducting or a product no longer sold on the premises where such sign is located shall not be exempted under this chapter.
 - L. Garage sale signs not to exceed 4 square feet in area and to be displayed only when the sale is open for a period not to exceed 3 consecutive days in duration with no more than 3 sales per calendar year.
 - M. Decorative banners and flags may be displayed and shall not exceed 100 square feet in area. Decorative banners and flags shall not include the use of text.
 - N. Local, state, or national flags.
 - O. Window signs.
 - P. Wall graphics, except that murals shall be reviewed by the Site Plan Committee and conform to general guidelines adopted by City Council resolution.
 - Q. Any change to the text of an existing sign structure (free standing or applied to the building) does not require a sign permit. This does not apply if the sign structure is altered or the location is changed.

17.88.050 Signs expressly prohibited.

The following signs and devices are expressly prohibited:

- A. Signs located on undeveloped property, except as provided in BMC 17.88.040.

- B. Vehicle signs, except for standard advertising identification markings which are permanently or magnetically attached to, or printed on a business or commercial vehicle.
- C. In no case shall any sign:
 - 1. Be erected in a public easement or right-of-way;
 - 2. Be erected so as to prevent free ingress to or egress from any door or window, or any other exit way required by the currently adopted edition of the Oregon State Structural Specialty Code and Fire and Life Safety Regulations;
 - 3. Be attached to any public utility pole, or structure, light pole, lamp, lamp post, tree, fire hydrant, bridge, curb, sidewalk, or other surface located on public property;
 - 4. Be attached to a standpipe, gutter drain, or fire escape, nor shall any sign be erected so as to impair access to the roof;
 - 5. Be erected in any location where, by reason of its location, it will obstruct the view of any authorized traffic sign, signal, or other traffic control device. Nor may any sign, by reason of its shape, position or color, interfere with or be confused with any authorized traffic signal, sign or device. Further, no sign shall be erected in a location where it will obstruct vision of the public right-of-way to the vehicle operator during ingress to, egress from, or while traveling on, said public right-of-way; [Ord. 01-O-446.KK § 2; Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.060 Residential districts. Signs shall be permitted as follows:

- A. Neighborhood Identification. One freestanding sign shall be permitted at each entry point of the development. Each neighborhood identification sign shall not exceed 32 square feet in area and shall be mounted in a planter or landscaped area.
- B. Multiple-Family Residential and Conditional Uses. A maximum of 2 identifying signs each of which shall not exceed more than 32 square feet, either attached to the building or freestanding, shall be permitted for multiple-family dwellings and conditional uses. If freestanding, the sign(s) shall be mounted in a planter or landscaped area.[Ord. 95-O-446.AA § 2; Ord. 89-O-454 § 8; Ord. 89-O-446 § 1.]
- C. See General Standards, Section 17.88.100, BMC.

17.88.070 Professional office (PO-1) district.

Signs shall be permitted as follows:

- A. One identifying sign not exceeding 32 square feet for each street on which the building fronts, affixed to the building or freestanding. If freestanding, the sign shall be mounted in a planter or landscaped area.
- B. One non-illuminated building directory not exceeding 16 square feet in area for each building containing 4 or more businesses. [Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]
- C. See General Standards, Section 17.88.100, BMC.

17.88.080 Public open space (P/OS) district.

Signs shall be permitted as follows:

- A. Signs on public buildings or property are exempt pursuant to Section 17.88.040(J), BMC.
- B. Signs on other than public buildings must comply with Section 17.88.070, BMC.

18.88.090 Commercial (C-1, C-2, C-3, C-4) and industrial (I-P, M-2) districts.

- A. Shopping center area - an area developed with four or more businesses having common parking area.
 - 1. Freestanding or roof-mounted sign. One for each street on which the buildings front identifying the shopping area and businesses shall be allowed. Each sign shall be limited to a total area of 200 square feet.
 - 2. Attached individual business signs.
 - a) Shall be placed flat against a building; or
 - b) Attached to the front or bottom surface of a marquee, awning, or canopy; or
 - c) Attached to and extending perpendicular from the building.
 - d) The total aggregate area of attached signs for each building side shall not exceed two (2) square feet for each lineal foot of business frontage.
- B. Non-shopping center areas (as defined above)
 - 1. Freestanding or roof-mounted sign. One for each street on which the building fronts, and limited to 75 square feet in total area, plus one square foot of additional sign for each lineal foot of business street frontage exceeding 75 feet, to a maximum sign allowed of 200 square feet.
 - 2. Attached sign.
 - a) Placed flat against a building; or
 - b) Attached to the front or bottom surface of a marquee, awning or canopy; or
 - c) Attached to and extending perpendicular from the building.
 - d) The total aggregate area of attached signs for each building side shall not exceed two (2) square feet for each lineal foot of business frontage.

- C. See General Standards, Section 17.88.100, BMC.

17.88.100 General standards for signs in all zones.

- A. Light from all signs shall be directed away from residential areas.
- B. No signs as provided in this section shall project into the public right-of-way to a distance closer than 2 feet from the face of curb or, in the case where no curb exists, no closer than 2 feet from the edge of pavement, and no such projecting signs shall be installed to a height of less than 8 feet clearance from grade or top of sidewalk to the lowest point of said sign.
- C. One permitted sign for each property may contain elements that may change (blinking or moving text, symbols, and/or characters) no more frequently than every 2 seconds. There is no time limit on changes to text for scrolling or crawling signs.
- D. Signs must comply with the height limit for the zone in which they are located.

- E. Each sign shall be maintained in good order and repair at all times so that it does not constitute any danger or hazard to public safety, or a visual blight, and is free of peeling paint, major cracks or loose and dangling materials.
- F. Sandwich board signs. Sandwich board signs may be permitted in Commercial zones if the business entrance does not have street frontage (alleys are not considered street frontage) and provided the following conditions are met:
 - 1. Only one such sign shall be permitted for each business and shall not exceed 2 feet in width and 4 feet in height.
 - 2. Each sign must be sufficiently weighted at the bottom to prevent toppling by wind.
 - 3. Placement of sign must leave at least 36" of continuous unobstructed sidewalk area to provide accessibility for pedestrians.
 - 4. Signs shall be displayed only at such times as the business they are intended to identify is open for business.

17.88.110 Nonconforming signs.

All signs existing on the effective date of this code and not conforming to the provisions of this chapter are hereby deemed lawful, nonconforming signs.

- A. No nonconforming sign shall be expanded or altered in any manner which would increase the degree of its nonconformity;
- B. All nonconforming signs existing on the effective date of this code may remain in use under the following conditions:
 - 1. Until the business for which it advertises has been abandoned in accordance with BMC 17.88.120;
 - 2. The sign remains in good operating condition;
 - 3. The sign may be repaired and maintained.
 - 4. The sign is not currently, or likely to become, a hazard to traffic, pedestrians or property.
- C. Termination of Nonconforming Signs.
 - 1. Immediate Termination. Nonconforming signs which advertise a business no longer conducted where such sign is located shall be terminated within 60 days. Termination of the nonconformity shall consist of removal of the sign or its alteration to eliminate fully all nonconforming features.
 - 2. Termination by Destruction. Any nonconforming sign destroyed by any means, may only be replaced by a sign conforming to this code. [Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]
 - 3. Required termination of all non-conforming signs. Any nonconforming sign not terminated pursuant to any other provision of this code shall be terminated within 5 years following adoption of this code.
 - 4. Required termination upon change in ownership. When property changes ownership any non-conforming sign must be terminated

17.88.120 Termination of signs by abandonment.

- A. Any sign advertising or relating to a business on the premises on which it is located, which business is discontinued for a period of 90 consecutive days, without any intent to resume, shall be presumed to be abandoned and all such

signage shall be removed within 90 days. Any period of such noncontinuance caused by government actions, strikes, materials shortages, or acts of God, and without any contributing fault by the business or user, shall not be considered in calculating the length of discontinuance for purposes of this subsection.

- B. An extension of time for removal of signage of an abandoned business, not to exceed an additional 90 days, may be granted by the site plan committee upon written request filed by the legal owner of the premises or the person in control of the business. [Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

17.88.130 Appeals and variances.

Any applicant who is denied a sign permit because the proposed sign would not be in compliance with all the provisions of this code, or who has an existing sign which would be deemed a nonconforming sign under the provisions of this code, may file for a variance or appeal, pursuant to procedures set forth in Chapters 17.132 and 17.156 BMC. [Ord. 95-O-446.AA § 2; Ord. 89-O-446 § 1.]

First reading: May 27, 2008

Second reading: May 27, 2008

Passage: May 27, 2008

Effective date: June 26, 2008

Signed by me in authentication of its passage this 28th day of May, 2008.



Mayor Larry Anderson

ATTEST:



City Recorder, Joyce Heffington