

ORDINANCE NO. 830

AN ORDINANCE AMENDING PROVISIONS OF TITLE 16 OF THE CANBY MUNICIPAL CODE REGARDING CONSTRUCTION, MAINTENANCE, ENFORCEMENT, AND PENALTIES FOR SIGN REGULATION AND DECLARING AN EMERGENCY.

WHEREAS, the Canby City Council initiated a review of the sign provisions of Title 16 of the Canby Municipal Code, and;

WHEREAS, several public hearings were held before the Canby Planning Commission and;

WHEREAS, the Planning Commission has recommended to the City Council the following amendments to the sign provisions of Title 16 and;

WHEREAS, the City Council, after review of the record before the Planning Commission, finds:

1. that the following amendments conform with the Comprehensive Plan of the City of Canby;
2. that there is a public need for the amendments and that such changes best serve the public need for the City of Canby;
3. that the amendments will preserve and protect the health, safety, and welfare of the residents of the City of Canby; and
4. that the amendments conform to the statewide planning goals.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Section 16.04.240(E) is amended to read:

16.04.240 Home Occupation.

E. No signs are permitted except for a single unilluminated nameplate not to exceed two (2) square feet in area.

Section 2. 16.04.550 is amended to read:

16.04.550 Setback.

"Setback" means a distance which a structure is required to be set back from a lot line. Where specified in the title, some setbacks are measured from curbs or projected curb lines rather than lot lines.

Section 3. Section 16.04.670 is amended to read:

16.04.670 Vision clearance area.

"Vision clearance area" means the triangular area at the intersection of two streets, a driveway and a street, or a street and a railroad, two sides of which are measured from the corner intersection of the existing or proposed curb lines to a distance specified in this title. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the curb lines at the intersections have rounded corners, the curb lines will be extended in a straight line to their points of intersection. No plantings, structures, or temporary or permanent obstructions, including vehicles, shall be located within a vision clearance area, extending from two and one-half (2 1/2) to ten (10) feet above the curb or street elevation. Except, however, that one tree trunk not greater than eighteen (18) inches in diameter and one utility pole not greater than eighteen (18) inches in diameter shall be permitted within a vision clearance area.

Section 4. Section 16.24.030(F)(1) is amended to read:

1. Vision clearance distances shall be fifteen (15) feet from any alley or driveway and thirty (30) feet from any other street or railroad.

Section 5. Section 16.26.030(F)(1) is amended to read:

1. Vision clearance distances shall be fifteen (15) feet from any alley or driveway and thirty (30) feet from any other street or railroad.

Section 6. Section 16.28.010(D) is amended to read:

D. Billboard, having a surface not greater than fifty (50) square feet per side.

Section 7. Section 16.28.030(C)(1) is amended to read:

1. Street yard: twenty feet (20) feet abutting Highway 99E and S. Ivy Street. Remaining property none, except ten (10) feet where abutting a residential zone. Sign setbacks along Highway 99E and S. Ivy Street are to be measured from the face of the curb rather than the lot line. Where no curb exists, the setback shall be measured from the property line. Other than signs which are nonconforming structures and street banners which have been approved per the requirements of the Uniform Sign Code, no signs will be allowed to be located within or to project over a street right-of-way.

Section 8. Section 16.28.030(F)(1) is amended to read:

1. Vision clearance distances shall be fifteen (15) feet from any alley or driveway and thirty (30) feet from any other street or railroad.

Section 9. Section 16.30.030(C)(1) is amended to read:

1. Street yard: twenty (20) feet where abutting Highway

99E and S. Ivy street. Remaining property none, except ten (10) feet where abutting a residential zone. Sign setbacks along Highway 99E and S. Ivy Street are to be measured from the face of the curb rather than the lot line. Where no curb exists, the setback shall be measured from the property line. Other than signs which are nonconforming structures and street banners which have been approved per the requirements of the Uniform Sign Code, no signs will be allowed to be located within or to project over a street right-of-way.

Section 10. Section 16.30.030(F)(1) is amended to read:

1. Vision clearance distances shall be fifteen (15) feet from any alley or driveway and thirty (30) feet from any other street or railroad.

Section 11. Section 16.32.030(C)(1) is amended to read:

1. Street yard: twenty (20) feet where abutting Highway 99E and S. Ivy Street. Remaining property none, except ten (10) feet where abutting a residential zone. Sign setbacks along Highway 99E and S. Ivy Street are to be measured from the face of the curb rather than the lot line. Where no curb exists, the setback shall be measured from the property line. Other than signs which are nonconforming structures and street banners which have been approved per the requirements of the Uniform Sign Code, no signs will be allowed to be located within or to project over a street right-of-way.

Section 12. Section 16.32.030(F)(1) is amended to read:

1. Vision clearance distances shall be fifteen (15) feet from any alley or driveway and thirty (30) feet from any other street or railroad.

Section 13. Chapter 16.42 is amended to read:

Chapter 16.42

SIGNS

Sections:

16.42.010	Purpose.
16.42.020	Construction, maintenance, permit requirements.
16.42.025	Nonconforming Signs
16.42.030	Setbacks.
16.42.040	Temporary signs.
16.42.050	Street banners.
16.42.060	Signs on trailers or vehicles.
16.42.070	Signs not designed to be viewed from any public right-of-way.
16.42.080	Prohibited signs.
16.42.090	Nameplates.
16.42.100	Area of signs permitted by zoning district.
16.42.110	Sign enforcement procedures.

16.42.010 Purpose.

A. The purpose of this chapter is to help maintain the appearance of the city by encouraging well-designed and wisely located signs which are consistent with the intent and objectives of the comprehensive plan.

B. These regulations are intended to control the size, location, number and type of signs in such a manner as to minimize any adverse effects on the public health, safety, general welfare or overall aesthetic appearance of the city.

C. Nothing in these regulations is intended to control the construction or location of directional or informational signs installed by the City, County, or State for the purpose of controlling traffic, indicating street names or other public purposes.

16.42.020 Construction, maintenance and permit requirements.

A. Each sign shall be constructed to meet the requirements of applicable building, electrical and mechanical codes.

B. All signs and component parts shall be kept in good repair and maintained in a safe, neat, clean and attractive condition.

C. No sign shall be erected or maintained in such a manner that any portion of its surface or its supports will interfere in any way with the free use of, or any access to, any fire escape, exit or standpipe. No signs shall be erected or maintained so as to obstruct any window so that light or ventilation is reduced below standards required by any applicable law or building code.

D. It is unlawful to erect or maintain a sign which by reason of its size, location or placement creates an immediate danger to the health, safety and welfare of the citizens of the City by blocking vision for either pedestrians or motorists, at public and/or private roadways, intersections, driveways, or railroad crossings.

E. Other than temporary signs, as defined in Section 16.42.040, all signs which are not permanently affixed to the ground or to a building shall require the issuance of a sign permit within sixty (60) days of the effective date of this ordinance. In order to secure such a permit such signs must meet all setback and vision clearance requirements and they must meet the requirements of the Uniform Building code and Uniform Sign Code for construction.

16.42.025 Nonconforming signs.

A. Signs existing on the effective date of this ordinance which are permanently or can be permanently affixed to a foundation or a building, and which do not meet the requirements of the zoning district in which they are located, shall be deemed to be nonconforming structures or nonconforming uses, as defined in Section 16.04.440 of this title. Except, however, that signs shall not be considered to be nonconforming where the sign, by reason of its size, location, construction, or lack of maintenance creates a public hazard or nuisance. In the case of such public hazard or nuisance the City may begin immediate abatement procedures as provided in this and other City ordinances.

B. Signs which are nonconforming structures or nonconforming uses are subject to the same limitations,

regulations, and requirements as other nonconforming structures or nonconforming uses as delineated in Chapter 16.52 of the Canby Municipal Code. Except, however, that signs which are nonconforming structures may be replaced by other signs which are nonconforming structures, subject to the same procedures and requirements for the expansion of nonconforming structures as listed in Section 16.52.040 of the Canby Municipal Code. Except, however, that with a change of ownership, nonconforming signs must be brought into conformance within sixty (60) days after the date of the change of ownership.

C. Signs for nonconforming structures or uses shall be permitted without the necessity of receiving a permit to expand a nonconforming structure, provided that such signs meet all other requirements of local ordinances and provided that such signs are not less in conformance than the existing structure or use. The burden of establishing a vested interest in a nonconforming structure or use shall be upon the property owner.

16.42.030 Setbacks.

A. Signs are required to meet the setback requirements of the applicable zone district. Except however, that the street yard setback for signs shall be at least fifty percent of that required for other structures in the zone.

B. Signs shall not be allowed to obstruct a vision clearance area as defined in this title.

16.42.040 Temporary signs.

A. Political campaign signs, real estate or land development signs and temporary signs advertising such things as social events, garage sales, rental vacancies, or farm products are all permitted provided that they do not exceed the total square footage of allowed sign area per lot by more than fifty (50%) percent and provided that they meet all other ordinance requirements including vision clearance. Except, however, that such temporary signs in residentially zoned areas shall not exceed eight square feet per dwelling unit. This section is not intended to authorize the use of temporary signs for commercial retail business advertising.

B. All temporary signs shall be removed within forty-eight (48) hours after the culmination of the event they were intended to advertise.

16.42.050 Street banners.

No street banners or other signs projecting over a public right-of-way shall be permitted without the prior consent of the city council, except as may be permitted in the Uniform Sign Code.(Ord. 740 10.3.40(E),1984)

16.42.060 Signs on trailers or vehicles.

Except for nameplates or logos indicating the owner's name and place of business, no signs, including temporary signs, shall be displayed from trailers or vehicles parked within any public right-of-way or the required setback area adjoining the right-of-way.

16.42.070 Signs not designed to be viewed from any public right-of-way.

A. Nothing in this chapter shall prevent the erection, location or construction of small directional or instructional signs on private property when such signs are solely designed to direct or to guide or to instruct pedestrian or vehicular traffic while on the parcel of real property on which said signs are located.

B. Nothing in this chapter shall prevent the erection, location, or maintenance of signs located on private property that are not visible from a public right-of-way or other nearby private property unless the building official deems that the continuation of such a sign constitutes a serious and immediate danger to public safety and welfare.

16.42.080 Prohibited signs.

Rotating, moving, flashing, changing, reflecting or blinking signs are prohibited other than those with white lights indicating the date, time and temperature. No sign or other advertising structure as regulated by this chapter shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal, or device; or which makes use of the words, "stop," "look," "detour," "danger," or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse motorists. Sign lighting shall be designed and constructed in such a manner as to not create or produce glare on nearby dwellings.

16.42.090 Nameplates.

Nothing in this chapter is intended to preclude or regulate the placement of nameplates or address signs of less than two square feet; provided, that such small signs are unlighted and provided that not more than one such nameplate or address sign shall be used for each dwelling unit or occupant. (Ord. 740 10.3.40(I),1984)

16.42.100 Area of signs permitted by zoning district
Sign area shall be limited to comply with Table 16.42.100.

Table 16.42.100

AREA PER SQUARE FOOTAGE OF USE*

	0 to 500 sq.ft.	500 to 1,000 sq.ft.	1,000 to 2,500 sq.ft.	2,500 to 4,000 sq.ft.	4,000 to 6,000 sq.ft.	6,000 to 8,000 sq.ft.	8,000 to 10,000 sq.ft.	Greater than 10,000 sq.ft.
C-1	40	60	80	100	150	200	250	+25 sq. ft. of sign for each addi. 1,000 sq.ft. of area in commercial use to a max of 500 sq.ft.
C-C C-R R-1 R-1.5 R-2	20	40	60	60	60	60	60	60
C-2 C-M M-1 M-2	50	75	100	150	200	250	300	+30 sq.ft. of sign for ea. addi. 1,000 sq.ft. of area in commercial or indus- trial use of a max of 600 sq.ft.

* "Square Footage of Use" is intended to apply only to building area and other portion of the property where business is actually conducted, exclusive of parking areas, open space, or undeveloped portions of the property. Square footage of use is intended to include outdoor storage and other outside areas where work is regularly performed.

**Sign area may be increased by as much as sixty (60%) percent for businesses having frontage on more than one street, other than an alley.

***Sign area in residential zones is intended to apply to schools, churches, and nonconforming uses. It does not apply to home occupations.

****Billboards having a surface not greater than fifty (50) square feet per side are permitted in C-2 and C-M Zones regardless of the square footage of use.

16.42.110 Sign enforcement procedures.

A. Nuisance Declared - Removal Required. The placement or maintenance of a sign which creates an immediate danger to the health, safety and welfare of the citizenry is hereby declared to be a nuisance. It shall be the duty of the property owner(s) and/or the tenant(s) to remove such sign; or to place such sign in a manner that it will no longer obstruct the vision of motorists or pedestrians.

B. Notice to Remove Sign. Time Limit for Compliance. It shall be the duty of the Chief of Police to give written notice to the legal owner of said property and the present resident of said property upon which a sign is located in violation of the requirements of this title. The notice shall state that the sign must be removed or relocated by the property owner or resident within seventy-two (72) hours from the date of notice. Such notice may be given by personal service or by registered mail with return receipt requested. A copy of said notice shall also be affixed in a conspicuous manner upon the sign.

C. Failure to Comply With Notice. If notice is given as provided above and the person(s) upon whom such notice is made fails to remove such sign as required by the notice, then such person(s) shall be in violation of this Chapter and shall be punished by a fine not to exceed \$500.00. Each day a violation exists is a separate offense and may be punished as such.

D. Removal and Impoundment by City. In addition to the above, the Chief of Police, may, after giving notice required above and after waiting seventy-two (72) hours, cause the sign to be removed by City employees, or contractors working for the City, and taken to be stored in a suitable place for storage. Within forty-eight (48) hours after removal and storage of such sign, the Chief of Police shall give notice as provided above to the legal owner and residents of the property that such sign has been removed and impounded for storage for violation of this Chapter and that such sign shall be deemed to have been abandoned and will thereafter be discarded as junk, or may, at the discretion of the Chief of Police, be sold as surplus property if not claimed within thirty (30) days from the date of such forty-eight (48) hour notice. The owner shall be given the right to reclaim such sign by paying all the costs and expenses incurred by the City in the removal and storage of such sign. No sign shall be released, however, until costs and expenses are paid in full to the City.

E. Signs Located Within City, County, or State Right-of-Way. Any sign located completely or partially within a public right-of-way, in violation of this title, may be immediately removed and impounded by City, with or without notice to the owner or resident of the adjacent property. The Chief of Police shall give notice within forty-eight(48) hours after the removal of the sign to the legal owner and residents of the property that such sign has been removed and impounded for storage for violation of this Chapter and that such sign shall be deemed to have been abandoned and will thereafter be discarded as junk, or may, at the discretion of the Chief of Police, be sold as surplus property if not claimed within thirty (30) days from the date of such notice. The owner shall be given the right to reclaim such

sign by paying all the costs and expenses incurred by the City in the removal and storage of such sign. No sign shall be released, however, until costs and expenses are paid in full to the City.

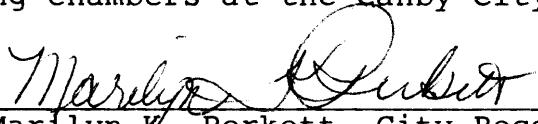
Section 14. Section 16.88.110(A) is amended to read:

16.88.110 Penalties and civil remedies.

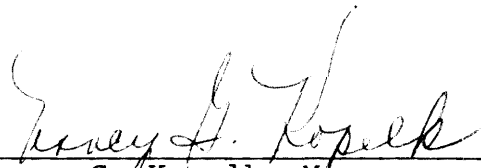
A. Unless otherwise provided, a person who knowingly violates this title is punishable upon conviction by a fine of not more than two thousand five hundred dollars (\$2,500.00). Each day a violation exists is a separate offense and may be punished as such.

Section 15. Emergency clause. In order to better promote the safety, health, and welfare of the citizens of Canby and to provide immediate uniform sign regulations for its citizens, an emergency is hereby declared to exist.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on the 5th day of April, 1989, ordered posted in three (3) public and conspicuous places in the City for a period of five (5) days as authorized by the Canby City Charter and to come up for final reading and action by the Canby City Council at a regular meeting thereof on the 19th day of April, 1989, commencing after the hour of 7:30 o'clock p.m., at the Council's regular meeting chambers at the Canby City hall, in Canby, Oregon.


Marilyn W. Perkett, City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 19th day of April, 1989, by the following vote: YEAS 6 NAYS 0


Nancy G. Kopelk, Mayor

ATTEST:


Marilyn K. Perkett, City Recorder