

ORDINANCE NO. 687

**AN ORDINANCE AMENDING THE TROUTDALE
DEVELOPMENT CODE, REPEALING CHAPTER
10 SIGNS, AND ADOPTING A NEW CHAPTER 10**

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The Troutdale Development Code (TDC) includes regulations of signs within the City. TDC Chapter 10 pertains specifically to signs and is commonly referenced as the City's sign code.
2. The City Attorney evaluated the current sign code and found it likely to be unconstitutional in several aspects. Various Oregon court rulings have held that under the Oregon Constitution, any distinction in the regulation of speech based on the content of the speech is forbidden. These cases have been interpreted to mean that any regulation of signs based on their content is forbidden. The current sign code has numerous instances of where content of a sign is regulated.
3. Public need is best satisfied by the proposed amendments. These amendments to the sign code are principally intended to resolve free speech issues under the current sign code. The changes best satisfy public need by supporting free speech rights authorized under Article I, section 8 of the Oregon constitution as upheld by various court rulings.
4. The changes further satisfy public need by providing citizens with appeal rights that are not allowed under the current code. The proposed code amendments best satisfy public need by providing uniform and consistent standards for placement of various temporary signs.
5. Because these amendments will prevent visual blight resulting from unregulated signage throughout the City, the change will enhance quality of life and will benefit the health, safety and welfare of the community.
6. The proposed amendments do not conflict with any comprehensive plan goals or policies.
7. The proposed amendments were extensively reviewed by the Citizens Advisory Committee with the involvement of representatives from the business community. The Planning Commission held a public hearing on April 19 and has recommended adoption of the amendments. The City Council held public hearings on May 23, 2000 and June 13, 2000.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE:

Section 1. Section 1.060, Sign Definitions, including subsections 1.060.01 through 1.060.43, is repealed.

Section 2. Section 4.770, Signs in the Town Center Overlay District, is repealed.

Section 3. Section 5.340, Termination of a Nonconforming Development or Use, is amended to read as follows:

5.340 Termination of a Nonconforming Development or Use. A nonconforming development or use shall terminate under the following conditions:

- A. When the use has been discontinued for a period of twelve months as shown by such information as expiration of business license, discontinuation of water or electric services and similar indications of use or occupancy.
- B. When the structure which is nonconforming has been destroyed to an extent exceeding 80 percent of its fair market value as indicated by the records of the Multnomah County Assessor.
- ~~C. When it is a sign pertaining to a business product or service and thirty days have transpired since the business product or service has been offered to the public at the location of the sign.~~

Section 4. Section A.115, Signage Standards for Central Business District, is repealed.

Section 5. Chapter 10, Signs, including sections 10.010 through 10.060, is repealed.

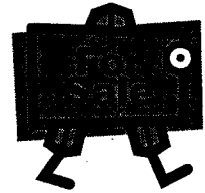
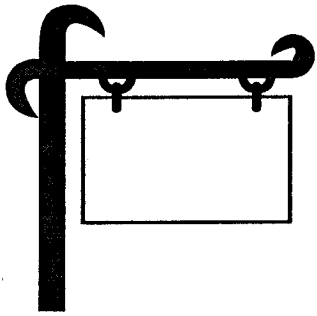
Section 6. There is enacted a new Chapter 10 to read as shown in attachment A.

Section 7. An emergency is declared. Immediate adoption of this ordinance is necessary for the public health, safety and welfare because there are numerous illegal signs throughout the city that will become permitted under this ordinance. Merchants desire to keep these signs in place to continue to advertise their business establishments. In addition, some currently prohibited signs will become permitted upon adoption of this ordinance and will better promote local businesses as the high volume tourist season approaches. Therefore, this ordinance shall be in full force and effect upon its adoption and execution by the mayor.

YEA: 7
NAY: 0
ABSTAIN: 0

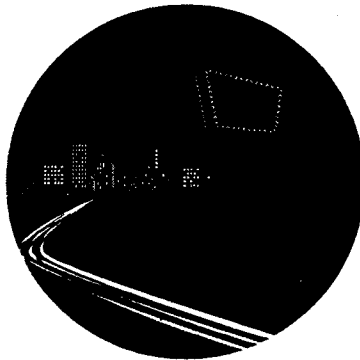
Paul Thalhofer
Paul Thalhofer, Mayor
Dated: 6-15-00

Debbie Stickney
Debbie Stickney, City Recorder
Adopted: 6-13-00

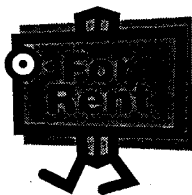


TROUTDALE SIGN CODE

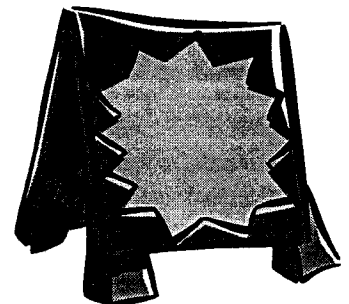
**Adopted Amendments to the
Troutdale Development Code
Relating to Signs
(TDC Text Amendment No. 29)**



**City of Troutdale
Community Development Department**



**As Adopted by the
Troutdale City Council
June 13, 2000**



CHAPTER 10 – SIGNS

TABLE OF CONTENTS

| | | |
|---------------|--|--------------|
| 10.000 | SIGNS | 10-1 |
| 10.005 | Title. | 10-1 |
| 10.010 | Purpose. | 10-1 |
| 10.015 | Definitions. | 10-1 |
| 10.020 | General Provisions. | 10-5 |
| 10.025 | Sign Permit Exemptions. | 10-8 |
| 10.030 | Prohibited Signs. | 10-12 |
| 10.035 | Nonconforming Signs. | 10-12 |
| 10.040 | Temporary Signs That Require Permits. | 10-14 |
| 10.050 | Permanent Signs. | 10-16 |
| 10.055 | Signage within the CBD. | 10-16 |
| 10.060 | Residential Signs. | 10-18 |
| 10.065 | Commercial and Industrial Signs. | 10-19 |
| 10.070 | Enforcement of Permanent Signs. | 10-21 |
| 10.075 | Enforcement of Temporary Signs. | 10-22 |
| 10.080 | Appeal and Hearing Procedures. | 10-24 |

CHAPTER 10 - SIGNS

10.000 SIGNS

10.005 Title. This chapter shall be known as "The Troutdale Sign Code".

10.010 Purpose. This chapter is being adopted to protect the health, safety, property, and welfare of the public; provide a neat, clean, orderly, and attractive appearance of the community; improve the effectiveness of signs; provide for safe construction, location, erection and maintenance of signs; prevent proliferation of signs and sign clutter; and minimize adverse visual safety factors to travelers on public highways and private areas open to public travel. To achieve this purpose it is necessary to regulate the design, quality of materials, construction, location, electrification, illumination, and maintenance of signs that are visible from public property, public right-of-ways, and private areas open to public travel. This chapter shall be construed to carry out this purpose.

10.015 Definitions. For purposes of this chapter, certain terms, phrases, and words shall be construed as follows: Words used in the present tense include the future; the singular tense includes the plural and vice-versa; the word "shall" is always mandatory and the word "may" is discretionary; and the masculine gender includes the feminine and vice-versa. The following terms shall mean:

- .01 A-Frame Sign. A double-faced portable sign constructed with an A-shaped frame, composed of two sign boards attached at the top and separate at the bottom, not permanently attached to the ground, but secured to the ground or sufficiently weighted to prevent the sign from being blown from its location or easily moved.
- .02 Awning. A shelter projecting from, and supported by, the exterior wall of a building on a supporting framework. The awning may be constructed of rigid or non-rigid materials.
- .03 Banner Sign. A sign made of fabric or other non-rigid material with no enclosing framework.
- .04 Bench Sign. A sign on an outdoor bench.
- .05 Boundaries of the Site. The area inside the legal lot lines of a site and does not include any property in a public right-of-way.
- .06 Commercial or Industrial Sales Event Sign. A freestanding or banner sign erected and maintained by a business occupant in a developed commercial or industrial site when the business occupant is participating in a special sales event on the developed site where the sign is erected.

- .07 Commercial, Industrial, or Multi-Family Real Estate Sign. A freestanding or banner sign erected and maintained by the owner or lessor of a developed commercial, industrial, or multi-family residential site, when the owner or lessor of the site is selling or leasing the property, building, or portions thereof, within the site.
- .08 Commercial or Industrial Subdivision Monument. A freestanding sign or a monument that sits on the ground at the entry of a commercial or industrial subdivision and is erected or maintained by the owner or developer of the subdivision or by an individual lot owner within the subdivision.
- .09 Community Event. An activity or program that is sponsored by, or offered with assistance from, the City in connection with a community group including, but not limited to, the Chamber of Commerce or Historical Society.
- .10 Community Event Sign. A freestanding or banner sign that is erected and maintained by a community group no more than 21 days before a community event occurs.
- .11 Directly Illuminated Lighting. Exposed lighting or neon tubes on the sign face.
- .12 Directional Sign. A sign located within the boundaries of a site and near areas where pedestrians, cyclists, or vehicles travel, and that is intended to inform people of what direction to travel.
- .13 Electronic Display System. A full color animated and video display board of television quality in which the rate of change is electronically programmed.
- .14 Electronic Message Center. A sign that uses changing lights to form a written message, or messages, in which the sequence of messages and rate of change is electronically programmed.
- .15 Externally Illuminated Lighting. The light source is separate from the sign and is directed so as to shine on the sign.
- .16 Filing. Depositing the item which is being filed in the United States mail, postage prepaid and accurately addressed to the City, or leaving a copy of the item that is being filed at City Hall during work hours. For purposes of this chapter, a document is "filed" on the date it is postmarked or received at City Hall, whichever occurs first.
- .17 Flags. Any fabric containing distinctive colors, patterns, or symbols, used as a symbol of government, political subdivision, or similar entity.
- .18 Freestanding Sign. A sign on a frame, pole, or other support structure that is not attached to any building.

- .19 Freeway Sign. A freestanding sign that is located within 800 feet south and 1,000 feet north of the center median of Interstate 84, and that is more than 24 feet in height, with a sign face of more than 150 square feet.
- .20 Gross Wall Area. The entire area encompassed by the plane of a wall, including windows and doors.
- .21 Height. The vertical distance measured from grade to the highest point of the sign or sign structure.
- .22 Historical Marker. A plaque or sign erected and maintained on property, a building, or structure by an organization that is recognized for routinely identifying sites, buildings, or structures of historical value.
- .23 Informational Sign. A sign that is located within 20 feet of an entrance or exit, a walkway, a public telephone, or a public restroom.
- .24 Internally Illuminated Lighting. The light source is concealed within the sign.
- .25 Lighting. Direct, external, or internal illumination.
- .26 Maintenance. Normal care needed to keep a sign functional such as cleaning, oiling and changing light bulbs.
- .27 Master Directory Sign. A wall sign located at the end of a building cluster located in the Central Business District (CBD). A freestanding sign located within, or immediately adjacent to, a parking lot in the CBD.
- .28 Menu Board. A sign placed at the head of a drive-up service lane of a food service establishment that includes a two-way speaker system for taking motorists' food orders.
- .29 Open House Sign. A sign pertaining to a single-family residential unit that is being sold, during the time the unit is open for showing.
- .30 Owner or Lessor. An individual, corporation, partnership, or other legal entity that holds title to the property, is named as the lessor in a lease agreement regarding the property, or a designated agent for the same.
- .31 Permanent Banner Sign. Any banner sign that is not allowed as a temporary sign under section 10.040 of this code.
- .32 Permanent Sign. A sign attached to a building, structure, or the ground in a manner requiring a permit, and made of materials intended for more than short

term use including, but not limited to, freestanding signs, freeway signs, wall signs, and awning signs.

- .33 Political Sign. A sign that is erected no more than 60 days before a local election and removed within seven days after that election.
- .34 Projecting Sign. A sign, other than a wall sign, that projects from, and is supported by, a roof or wall of a building or structure and is generally at right angles to the building.
- .35 Property Owner. The property owner of the site where the sign is located, as shown in Multnomah County deed records.
- .36 Repair. Mending or replacing broken or worn parts with comparable materials. Repairs may be made with the sign in position or with the sign removed.
- .37 Residential Subdivision Monuments. A freestanding sign or a monument that sits on the ground at the entry of a residential subdivision and is erected or maintained by the owner or developer of a residential subdivision, homeowners association, or similar organization.
- .38 Roof Line. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys, or other minor projections.
- .39 Roof Sign. Any sign erected upon or over the roof of any building or structure.
- .40 Sale Sign. A sign made of paper, plastic, cardboard, or similar material and attached to a wooden stake that is erected and owned by an individual who is participating in a yard sale, garage sale, rummage sale, moving sale, or other occasional sale of personal items. For purposes of this definition, individual means a person who is not applying for a sign permit or erecting a sign for the primary purpose of selling commercial goods.
- .41 Searchlights. An apparatus on a swivel that projects a strong, far-reaching beam of light.
- .42 Sign. Any materials placed or constructed so they can be viewed from a right-of-way or another property and that conveys a message or image, and includes the sign structure, display surface, and all component parts of a sign.
- .43 Sign Copy. The message or image conveyed by a sign.
- .44 Sign Face Area. The total display surface area of the sign. When the dimensions of a sign are specified, the term includes the frames or cabinets surrounding a sign; the electronic message center; any base material or supporting structure, unless none of the base material or supporting structure is

related to the message or image being portrayed in the sign; and all individual pieces or panels that, when placed together, convey a message or image.

- .45 Sign Owner. The owner of the sign as determined by looking at the sign.
- .46 Site. The area, tract, parcel, or lot of land owned by, or under the lawful control of, one distinct ownership. Abutting platted lots under the same ownership shall be considered one site.
- .47 Special Event. A fundraiser or similar activity that is sponsored by a non-profit organization including, but not limited to, car washes, breakfasts, dinners, and auctions.
- .48 Special Event Sign. A sign that is erected and maintained by a non-profit organization conducting a special event.
- .49 Street Frontage. The portion of a site that abuts a public street.
- .50 Subdivision. A site with four or more lots.
- .51 Subdivision Sale Sign. A freestanding or banner sign erected or maintained by the owner of a subdivided site when the lots in the subdivision are being sold, and less than 90% of the lots in the site have been sold.
- .52 Supporting Structure. A structure specifically intended for supporting or containing a sign.
- .53 Temporary Sign. A sign that is not permanently attached to a building, structure, or the ground, and that is intended to remain for no more than short term use including, but not limited to, an A-frame sign, real estate sign, open house sign, political sign, community event sign, commercial or industrial sales event sign, special event sign, sale sign or subdivision sale sign, or a sign made of non-durable materials such as cardboard, paper, fabric, or pliable plastic.
- .54 Wall Sign. A sign that is attached to, and extended no more than within 18 inches from a wall, or painted on a wall, of a building.
- .55 Window Sign. A sign located in the inside display area of a business window.

10.020 General Provisions. All signs in the City of Troutdale shall comply with the following provisions:

- A. Permits Required. Except as provided in section 10.025 of this code, a permit is required to erect, replace, construct, or alter a sign. A permit shall be issued by the Director if the applicant files an application, filing fee, and plans which

demonstrate full compliance with all provisions of this chapter and other applicable city regulations.

1. The Director shall provide the applicant a written decision granting or denying the application for a sign permit. The decision shall explain the reasons why the application was granted or denied. If the application is denied, the decision shall also include an explanation of the applicant's appeal rights. A decision to deny shall be mailed to the address on the application by regular mail.
 2. If the Director denies the application for a sign permit, the applicant may appeal the Director's decision by filing a written appeal with the Director within ten days of the date on the Director's decision.
 3. The appeal shall identify the decision that is being appealed and explain why the decision is wrong.
 4. Upon receipt of a timely appeal, the Director shall process the appeal in accordance with section 10.080 of this code.
- B. Sign Maintenance. All signs shall be maintained in a safe condition. Maintenance of a sign shall not require a sign permit. All signs that have become damaged and pose a danger to the public shall be repaired or removed.
- C. Location.
1. Except as otherwise provided in this chapter, all signs shall comply with the building setback requirements of the underlying zoning district. The setback requirement for a freestanding sign shall be measured from the signboard.
 2. All signs shall be located entirely within the boundaries of a site unless specifically authorized by this chapter.
 3. All signs must be installed in compliance with section 5.040 of this code, as well as the regulations of this chapter.
- D. Construction. All signs shall comply with the applicable provisions of the Oregon State Structural Specialty Code, except as otherwise provided in this chapter.
- E. Lighting. Signs may be externally, internally, or directly illuminated, subject to the following:
1. Temporary signs shall not be illuminated.

2. Lighted signs shall be placed, shielded, or deflected so as not to shine into residential dwelling units or structures, or impair the vision of the driver of any vehicle.
3. All externally illuminated signs that measure seven feet or more from ground level to the top edge of the sign shall be illuminated from above.
4. An electronic message center may be incorporated into one freestanding sign or freeway sign within the boundaries of the site provided that:
 - a. The electronic message center does not exceed three square feet in area for a freestanding sign or 60 square feet for a freeway sign.
 - b. The electronic message center shall be integrated into the design of the sign.
5. Searchlights may be used by any commercial enterprise, provided that:
 - a. The searchlight may only be used once in any calendar year for up to a maximum of seven days.
 - b. The beam of the searchlight may not flash against any building or sweep on arc greater than 45° from vertical.

F. Sign Face Area. The sign face area shall be determined as follows:

1. The sign face area of signs enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face. The sign face area does not include foundations, supports, or other essential structures that are not related to the message and images being posted in the sign.
2. When a sign is on a base material and attached without a frame, the dimensions of the base material are to be used unless it is clear that the base is not related to the message or image being posted in the sign.
3. When signs are constructed in individual pieces attached to a building wall, sign face area is determined by a perimeter drawn around all the pieces.
4. For sign structures containing multiple panels oriented in the same direction, the panels together are counted as one sign face.
5. The maximum surface area visible at one time, of a round or three-dimensional sign, is counted to determine the sign face area.

6. When signs are incorporated into awnings, the entire panel containing the sign is counted as the sign face area unless it is clear that part of the panel is not related to the message or image being posted in the sign.

10.025 Sign Permit Exemptions. The following signs are allowed in all zoning districts without a permit:

- A. Public signs constructed or placed in a public right-of-way by, or with the approval of, a governmental agency having legal control or ownership of the right-of-way; signs owned or constructed by the City; signs required by law including, but not limited to, hearing notices; and signs placed in or near a right-of-way by a public utility that are intended to warn the public of danger.
- B. Directional signs, informational signs, or menu boards erected for the convenience of the public and located wholly within the site.
- C. Memorial signs or tablets, names of buildings, and dates of erection when cut into the surface or the facade of the building, or when projecting not more than two inches.
- D. Signs located in the interior of any building, or within an enclosed lobby or court of any building or group of buildings, that are designed and located to be viewed exclusively by patrons of such use or uses.
- E. Painted areas on a wall that are designed and intended as a decorative or ornamental feature, or to highlight a building's architectural or structural features.
- F. Window signs as a part of the inside display area of a business, provided the window sign does not involve use of flashing or blinking lights.
- G. Flags of the U.S., foreign countries, the United Nations, or flags of civic, fraternal, or charitable institutions.
- H. Name plates not exceeding one square foot in size and located on a residential dwelling unit.
- I. City entry sign or monument, plaques or historical markers erected and maintained by a public authority, recognized historical society, or organization identifying sites, buildings, or structures of recognized historical value.
- J. One temporary real estate sign on property for sale, lease, or rent, provided that:
 1. The sign is either attached flat against the building or located within the property boundaries.

2. The maximum sign area, on one sign face, does not exceed 12 square feet and the sign face does not exceed six feet above the ground.
 3. The sign is removed within 15 days after the property is sold, rented, or leased.
- K. Temporary "Open House" real estate signs shall be permitted on private property during daylight hours with the consent of the occupant, provided that the temporary signs are removed prior to sunset the day of the placement.
- L. Temporary sale signs, provided that:
1. A maximum of four signs are displayed for any one sale.
 2. Maximum sign face area, on one sign face, shall not exceed three square feet.
 3. Signs shall not be displayed for more than 72 hours.
 4. Signs shall not be attached to any utility pole or traffic sign pole.
 5. Signs shall not be placed on private property without the permission of the property owner.
 6. Signs shall not be placed in a manner so as to obstruct the public right-of-way.
 7. Signs must be removed at the end of the final day of the sale.
- M. Temporary political signs, provided that:
1. The maximum sign face area, on one sign face, shall not exceed six square feet.
 2. The sign is erected and maintained for no longer than 60 days.
 3. The sign is removed within seven days after the election to which it pertains.
 4. Permission of the property owner is obtained.
- N. Holiday lights and decorations.
- O. Change of sign copy, provided the sign face area is not increased in size.

P. Temporary community event signs, provided that:

1. The community group erecting the signs obtains the written consent of the private property owner where a sign is erected and files a copy of the written consent with the City.
2. The community group erecting the signs obtains written consent from the public agency that owns the right-of-way where a sign is erected. If the City owns the right-of-way, written consent may be obtained by filing an application with the Director. The request shall be granted if the event is a community event as defined in section 10.015 of this code.
 - a. The Director shall mail the community group a written decision granting or denying the requested consent. The decision shall be mailed to the address on the application by regular mail.
 - b. The decision shall explain the reasons for granting or denying the request. If the request is denied, the decision shall include an explanation of the community group's appeal rights.
 - c. If the Director denies the request, the community group may appeal the Director's decision by filing a written appeal with the Director within ten days of the date on the Director's decision.
 - d. The appeal shall identify the decision that is being appealed and explain why the decision is wrong.
 - e. Upon timely receipt of an appeal, the Director shall schedule the appeal for consideration by the City Council on its next available agenda.
 - f. The City Council's decision on appeal is the City's final decision, which may be reviewed solely and exclusively by writ of review in the manner set forth in state law.
3. The temporary signs shall be erected and maintained for no longer than 21 days prior to the occurrence of the community event.
4. The temporary signs shall be removed within seven days after completion of the community event.
5. The temporary signs shall be subject to the following size limitations:
 - a. For a freestanding sign, the maximum sign face area, on one sign face, shall not exceed 32 square feet and height shall not exceed ten feet.

- b. For a banner sign, the maximum sign face area, on one sign face, shall not exceed 96 square feet.

Q. Temporary special event signs, provided that:

1. The nonprofit organization erecting the signs obtains the written consent of the private property owner where a sign is erected and files a copy with the City.
2. The nonprofit organization erecting the signs obtains written consent from the public agency that owns the right-of-way where a sign is erected. If the City owns the right-of-way, written consent may be obtained by filing an application with the Director. The request shall be granted if the event is a special event as defined in section 10.015 of this code.
 - a. The Director shall mail the nonprofit organization a written decision granting or denying the requested consent. The decision shall be mailed to the address on the application by regular mail.
 - b. The decision shall explain the reasons for granting or denying the request. If the request is denied, the decision shall include an explanation of the nonprofit organization's appeal rights.
 - c. If the Director denies the request, the nonprofit organization may appeal the Director's decision by filing a written appeal with the Director within ten days of the date on the Director's decision.
 - d. The appeal shall identify the decision that is being appealed and explain why the decision is wrong.
 - e. Upon timely receipt of an appeal, the Director shall schedule the appeal for consideration by the City Council on its next available agenda.
 - f. The City Council's decision on appeal is the City's final decision, which may be reviewed solely and exclusively by writ of review in the manner set forth in state law.
3. The temporary signs shall be erected and maintained for no longer than 21 days prior to the occurrence of the special event.
4. The temporary signs shall be removed within seven days after completion of the special event.

5. The temporary signs shall be subject to the following size limitations:

- a. For a freestanding sign, the maximum sign face area, on one sign face, shall not exceed 32 square feet and the height shall not exceed ten feet.
- b. For a banner sign, the maximum sign face area, on one sign face, shall not exceed 96 square feet.

10.030 Prohibited Signs. Except when qualified as a nonconforming sign, the following signs are prohibited and shall be considered nuisances:

- A. Any sign constructed, erected, replaced, altered, repaired, or maintained in a manner not in compliance with this chapter.
- B. Bench signs.
- C. Permanent banner signs.
- D. Roof signs.
- E. Signs in public right-of-ways other than public signs installed or authorized by a governmental agency or public utility.
- F. Signs placed or painted on a motor vehicle or trailer that is parked with the primary purpose of providing a sign not otherwise allowed by this chapter.
- G. Electronic display system.

10.035 Nonconforming Signs. Signs that have been lawfully erected prior to the date this ordinance is adopted that do not conform to the regulations of this chapter are nonconforming signs and may continue to exist, subject to the following provisions:

- A. No additions or enlargements may be made to a nonconforming sign except those additions or enlargements that are required by law.
- B. Signs that are moved, replaced, or structurally altered shall be brought into conformance with this chapter.
- C. A nonconforming sign that is damaged shall not be repaired if the estimated expense of repairing the sign exceeds 50% of the replacement cost of the sign as of the day before the sign was damaged. A damaged nonconforming sign that cannot be repaired shall be removed within 90 days of the date the sign was damaged.

- D. Whenever a nonconforming sign is damaged and the estimated cost to repair the sign is 50% or less of its replacement value as of the day before the sign was damaged, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a nonconforming sign, if such repairs and restoration are started within 90 days of the date the sign was damaged and are diligently pursued thereafter.
- E. Nonconforming signs shall be deemed abandoned when:
1. The site where the sign is located has been vacated for a period of 60 days or more.
 2. The nonconforming sign has been damaged and there have not been any diligent attempts to repair it.
- F. Abandoned nonconforming signs shall be removed within 90 days of the date the site was vacated, or within 90 days of the date the sign was damaged if diligent attempts are not being made to repair the sign.
- G. If a nonconforming sign is abandoned, the Director shall send notice to the property owner and sign owner, if the Director is able to determine who the sign owner is by looking at the sign. Notice shall be sent via regular and certified mail, return receipt requested, stating that the sign has been abandoned and must be removed.
1. The notice shall direct that the sign be removed by a specified date and shall inform the property owner and sign owner, if known, of the basis for concluding that the sign has been abandoned. The notice shall also inform the property owner and the sign owner of their appeal rights.
 2. A property owner or sign owner who disagrees with the Director's determination that a sign has been abandoned may appeal the Director's notice by filing a written appeal with the Director within ten days of the date on the notice.
 3. The appeal shall identify the notice that is being appealed and explain why the Director's determination is wrong.
 4. Upon timely receipt of an appeal, the Director shall process the appeal in accordance with section 10.080 of this code.
- H. If the abandoned sign is not removed by the specified date in the Director's notice and the owner has not requested an appeal, or if the sign is not removed within the time specified in the decision rendered following the appeal, the Director shall cause the sign to be removed. The cost of removal shall be entered by the City Recorder on the docket of City liens against the property

owner, and shall be collectible in the same manner as liens for public improvements. The Director may also file charges against the property owner or sign owner in Troutdale Municipal Court.

10.040 Temporary Signs That Require Permits. The temporary signs listed in this section are allowed in all zoning districts, provided a permit is obtained and the regulations in this chapter are complied with. The signage shall not be restricted by content, but is usually and customarily used to advertise real estate sales, commercial sales, and special events. These temporary signs shall comply with the following provisions:

- A. Permitted Sign Types. Signs shall be limited to the following types:
 - 1. Temporary commercial or industrial sales events signs.
 - 2. Temporary subdivision sale signs.
 - 3. Temporary banner or freestanding signs.
 - 4. A-frame signs, except not within the CDB zoning district or on residential sites with less than six dwelling units.

- B. Number and Duration of Signs. Temporary signs shall be limited to no more than the following amounts:
 - 1. One temporary commercial or industrial sales event sign per sales event within the boundaries of the site, provided that the total combined time that a commercial or industrial business is permitted to display temporary signs shall not exceed 60 days in any calendar year, and temporary signs shall be removed within seven days after the completion of the special sales event.
 - 2. One subdivision sale sign within the boundaries of the site, provided that the temporary sign shall be removed when 90% of the lots in the subdivision have been sold, or 36 months from the date of erection of the sign, whichever occurs first.
 - 3. One temporary banner or one temporary freestanding sign within the boundaries of a developed commercial or industrial development with leasable space or leasable units, provided a temporary freestanding sign shall be removed when all spaces or units have been leased and provided that a temporary banner sign shall only be permitted for an individual business that is soon to open or has been opened for less than two months or for a soon to open or recently opened (less than two months) commercial or industrial development. A temporary banner sign shall be removed within 60 days of the date that the sign permit is issued.

4. One temporary banner sign within the boundaries of a multi-family residential development of six units or more with leasable units provided the multi-family residential development is soon to open or has been opened for less than two months. A temporary banner sign shall be removed within 60 days of the date the sign permit is issued.
5. One temporary banner or one temporary free-standing sign within the boundaries of a community service use, provided that the total combined time that the community service use is permitted to display temporary signs shall not exceed 60 days in any calendar year.
6. One A-frame sign per business occupant, provided that the sign is located within the boundaries of the site where the business occupant is located.

C. Sign Size. Signs shall be subject to the following size limitations:

1. Temporary freestanding sign. (Includes temporary commercial or industrial sales event sign that is freestanding and temporary subdivision sale sign that is freestanding.) Maximum sign face area, on one sign face, shall not exceed 32 square feet and height shall not exceed ten feet.
2. Temporary banner sign. (Includes temporary commercial or industrial sales event sign that is a banner and temporary subdivision sale sign that is a banner.) Maximum sign face area, on one sign face, shall not exceed 96 square feet.
3. A-frame sign. Maximum sign face area, on one sign face, shall not exceed ten square feet and height shall not exceed four feet.

D. Other Requirements.

1. All temporary signs shall be attached to the site in a manner that both prevents the sign from being moved or blown from its location and allows for the prompt removal of the sign.
2. All temporary signs shall include the permit number and the date the permit expires, if the permit expires, in legible print on the bottom right hand corner of the sign face.
3. Any temporary sign that does not contain the permit number and expiration date is in violation of this chapter and may be confiscated and destroyed in accordance with section 10.075 of this code.

10.050 Permanent Signs. Permanent signs are allowed, provided the regulations of sections 10.055, 10.060, and 10.065 of this code and all other applicable regulations of this chapter are complied with. The signage shall not be restricted by content, but is

usually and customarily used to advertise the sale of goods or services, or to identify occupants, uses, or activities that occur on the site.

10.055 Signage within the CBD. The provisions of this section regulate signs on all land within the CBD zoning district.

- A. Permitted Sign Types. Signs in the CBD zoning district shall be limited to the following:
 - 1. Wall signs.
 - 2. One projecting sign for each building entrance used as a customer entrance.
 - 3. One master directory wall sign, as described in subsection (B)(3) of this section, per building cluster.
 - 4. One master directory freestanding sign, as described in subsection (B)(4) of this section, per building cluster.
 - 5. Rear wall master sign, as described in subsection (B)(5) of this section.
- B. Sign Size, Location, and Design. The signs in the CBD zoning district shall be subject to the following size, location, and design limitations:
 - 1. Wall sign.
 - a. Maximum sign face area, for an individual wall sign, shall not exceed 36 square feet.
 - b. The cumulative allowable area of all signs on one wall shall not exceed ten percent of the gross wall area to which the signs are attached or painted.
 - 2. Projecting sign.
 - a. The maximum sign face area, for an individual projecting sign, shall not exceed four square feet.
 - b. The lowest portion of a projecting sign shall be no less than 7.5 feet above the ground beneath the sign.
 - 3. Master directory wall sign.

- a. A designated area shall be provided on the wall at each end of a building cluster for placement of a master directory sign that may list all the businesses within a cluster.
 - b. The sign shall be located between three feet and seven feet above sidewalk elevation.
 - c. Individual letters within the sign shall not be higher than three inches.
 - d. The color of the letters within the sign shall be complementary to the building colors.
4. Master directory freestanding sign.
- a. One freestanding master directory sign not to exceed 12 square feet in area and eight feet in height may be approved per building cluster, provided that the sign is located within, or immediately adjacent to, a parking lot that specifically provides parking for that building cluster.
 - b. The sign shall be compatible with the architectural character of the CBD.
5. Rear wall master sign.
- a. Up to 2.5 percent of the rear wall of each building may be used for a master sign to extend across connected buildings.
 - b. The sign shall not extend above the rear building facade.
 - c. The rear wall master sign is not subject to the area restrictions of subsection (B)(1) of this section.

C. Lighting.

1. Sign illumination shall be by external source only. All externally illuminated signs that measure seven feet or more from the ground level to the top edge of the sign face shall be illuminated from above.
2. Projecting signs shall not be illuminated.

10.060 Residential Signs. The provisions of this section regulate signs on all land within the R-20, R-10, R-7, R-5, R-4, A-2, and MO/H zoning districts, and on any site within the Town Center Overlay District: NC, CC, and GC zoning districts where the use of the

land is characterized as residential. However, the provisions of this section do not apply to residential sites with less than six dwelling units.

- A. Permitted Sign Types. Signs shall be limited to the following types:
 - 1. Freestanding signs.
 - 2. Wall signs.
 - 3. Residential subdivision monuments.
 - 4. Awning signs.
- B. Number of Signs. The number of signs allowed within the boundaries of a site shall be limited to no more than one of each of the permitted sign types listed in subsection (A) of this section.
- C. Sign Size. Signs shall be subject to the following size limitations:
 - 1. Residential subdivision monument.
 - a. Maximum sign area, on one sign face, shall not exceed 36 square feet.
 - b. Height of the monument shall not exceed ten feet.
 - 2. Freestanding sign.
 - a. Maximum sign area, on one sign face, shall not exceed 32 square feet.
 - b. Height shall not exceed six feet.
 - 3. Wall sign. Maximum sign face area shall not exceed ten percent of the gross wall area of the wall to which the sign is attached or painted. In calculating maximum allowable area for the wall sign, the wall shall include all window and wall area.
 - 4. Awning sign.
 - a. The maximum sign face area shall not exceed ten percent of the awning area.
 - b. The sign shall be integrated into the design and material of the awning on which it is located.

10.065 Commercial and Industrial Signs. The provisions of this section regulate signs on all land zoned MO/H, NC, CC, GC, IP, LI, or GI, and any site zoned R-20, R-10, R-7, R-5, R-4, or A-2, where the use of that land is characterized as commercial, industrial, or institutional.

A. Permitted Sign Types. Signs shall be limited to the following types:

1. Freestanding signs.
2. Freeway signs.
3. Wall signs.
4. Awning signs.
5. Commercial or industrial subdivision monuments.

B. Number of Signs. The number of signs allowed within the boundaries of the site shall be limited to no more than the following amounts per development site street frontage:

1. One freestanding sign per development site street frontage except:
 - a. An individual business located on the same lot as two or more businesses, but designed as a separate structure at an intersection of two streets, is permitted one additional freestanding sign subject to the size limitations in subsections 10.065(C)(1)(b) and (d) of this code.
 - b. An automotive service station, designed as a separate structure, located on the same lot as two or more businesses, is permitted one additional freestanding sign subject to the size limitations in subsections 10.065(C)(1)(c) and (d) of this code.
 - c. For purposes of this regulation, a commercial or industrial subdivision monument shall be considered a freestanding sign.
2. One freeway sign provided that:
 - a. The sign is located within 800 feet south and 1,000 feet north of the center median of I-84.
 - b. The freeway sign is located not less than 500 feet from the next freeway sign.

C. Sign Size. Signs shall be subject to the following size limitations:

1. Freestanding sign.

- a. A freestanding sign may not exceed one square foot of sign area per linear foot of site frontage, provided the maximum sign face area is not more than 150 square feet and every site is entitled to a minimum sign face area of 24 square feet. For calculation purposes, corner signs that face more than one street shall be assigned a site frontage by the applicant.
- b. The maximum sign face area for an individual business sign, as described in subsection 10.065(B)(1)(a) of this code, shall be 24 square feet.
- c. The maximum sign face area for an automotive service station sign, as described in subsection 10.065(B)(1)(b) of this code, shall be 56 square feet.
- d. Height shall not exceed 24 feet, except an individual business sign, as described in subsection 10.065(B)(1)(a) of this code, shall not exceed 20 feet in height and an automotive service station sign, as described in subsection 10.065(B)(1)(a) of this code, shall not exceed eight feet in height.

2. Freeway sign.

- a. Maximum sign face area, on one sign face, shall not exceed 750 square feet.
- b. Height shall not exceed 60 feet above the freeway elevation as measured from mean sea level for that portion of the freeway perpendicular to the footing of the freeway sign.

3. Wall sign.

- a. Maximum sign face area shall not exceed ten percent of the gross wall area of each wall to which the sign is attached or painted. In calculating maximum allowable area for a wall sign, each face of a building shall include all window, door and wall area.
- b. Where two or more uses are located in the same building, the maximum permitted area for all signs may be divided among the uses. A separate wall sign or a joint-use wall sign may be erected, provided that the maximum allowable sign area shall not be exceeded.

- c. The maximum sign area for an individual wall may be distributed among any number of wall signs.
 - d. The wall sign shall be attached to the wall of the building, shall leave no part of the sign extending above the roof line of the building, and shall be designed as an integral component of the building design.
 - e. No wall sign shall project more than 18 inches from the wall to which it is attached.
4. Awning sign.
- a. Maximum sign area shall not exceed ten percent of the awning area.
 - b. The sign shall be integrated into the design and material of the awning on which it is located.
5. Commercial or industrial subdivision monument.
- a. Maximum sign area, on one sign face, shall not exceed 36 square feet.
 - b. Height of the monument shall not exceed ten feet.

10.070 Enforcement of Permanent Signs. The Director shall order the removal of any permanent sign erected, replaced, constructed, or altered in violation of the provisions of this chapter.

- A. The order to remove a sign shall be in writing and mailed to the property owner, and the owner of the sign, if the Director is able to determine who the owner of the sign is by looking at the sign. The order shall be sent via regular and certified mail, return receipt requested.
- B. The order shall inform the property owner and sign owner, if known, that the sign violates the regulations in this chapter and must be brought into compliance or be removed within ten days of the date of the order. The order shall also inform the property owner and sign owner the reasons why the Director concluded the sign violates the regulations in this chapter and shall inform them of their appeal rights.
- C. A property owner or sign owner who disagrees with the Director's determination that the sign violates the regulations in this chapter may appeal that determination by filing a written appeal with the Director within ten days of the date on the order.

- D. An appeal shall identify the order that is being appealed and explain why the Director's determination is wrong.
- E. Upon timely receipt of an appeal, the Director shall process the appeal in accordance with section 10.080 of this code.
- F. If the property owner or sign owner fails to file an appeal or remove a sign within ten days of the date on the Director's order, or within the time provided in the decision rendered following an appeal, the Director shall cause the sign to be removed or may file charges against the property owner or sign owner in Troutdale Municipal Court.
- G. If the Director removes the sign, within three days after the date that the permanent sign has been removed, the Director shall notify the property owner and sign owner that the sign was removed and that the City has the sign.
 - 1. The notice shall be in writing and shall be mailed to the property owner and sign owner via regular and certified mail, return receipt requested.
 - 2. The notice shall inform the property owner and sign owner that they have 30 days to pay the City the costs it incurred in removing the sign and to retrieve the sign, or the City will dispose of the sign.
 - 3. If the property owner or sign owner does not pay the City the costs the City incurred in removing the sign, and retrieve the sign within 30 days of the date on the notice, the City may dispose of the sign.
- H. The costs the City incurs in removing a sign shall be entered on the docket of City liens against the property owner, and shall be collectible in the same manner as liens for public improvements.

10.075 Enforcement of Temporary Signs. Enforcement of temporary signs not conforming to regulations of this chapter shall be subject to the following provisions:

- A. For temporary signs located on public utility poles, traffic sign poles, or public property, the Director shall order the immediate removal of any temporary sign in violation of the provisions of this chapter.
 - 1. Within three days after the date that the temporary sign was removed, the Director shall notify the sign owner that the sign has been removed and that the City has the sign, provided the Director is able to determine who the sign owner is by looking at the sign.
 - 2. The notice shall be in writing and shall be mailed to the sign owner via regular mail.

3. The written notice shall inform the sign owner:
 - a. The reasons the sign violated the provisions of this chapter.
 - b. That the owner may retrieve the sign within ten days of the date on the notice by paying a \$20 per sign retrieval fee.
 - c. If the owner does not pay the City the retrieval fee and retrieve the sign within ten days, the City will dispose of the sign.
 - d. Violations of subsection (A) of this section may be referred to Troutdale Municipal Court if the owner disagrees with the City's actions.

- B. For temporary signs located on privately-owned property in violation of this chapter, the Director shall notify the property owner and the sign owner, if known, via regular mail that the sign violates the regulations in this chapter and must be removed immediately.
 1. The notice shall direct that the sign be removed immediately, and shall inform the property owner and the sign owner of the reasons that the sign violates the regulations in this chapter. The notice shall also inform the property owner and the sign owner of their appeal rights.
 2. A property owner or sign owner who disagrees with the Director's determination that the sign violates the regulations in this chapter may appeal the Director's determination by filing a written appeal with the Director within ten days of the date on the notice. The written appeal shall identify the decision that is being appealed and explain why the decision is wrong.
 3. A property owner or sign owner who files an appeal shall remove the sign pending the outcome of the appeal. If the property owner or sign owner prevails on appeal, the sign may be returned to the location it was in before the Director ordered its removal.
 4. Upon timely receipt of an appeal, the Director shall process the appeal in accordance with section 10.080 of this code.
 5. If the property owner or sign owner does not immediately remove a sign the Director has informed them is in violation of this chapter, the Director shall cause the sign to be removed, or the Director may file charges against the property owner or sign owner in Troutdale Municipal Court.

6. Within three days after the date that a temporary sign was removed, the Director shall notify the property owner and sign owner that the sign was removed, and that the City has the sign.
 - a. The notice shall be in writing and shall be mailed to the property owner and sign owner via regular mail.
 - b. The notice shall inform the property owner and sign owner that they may retrieve the sign within ten days of the date on the notice by paying the City a \$20 per sign retrieval fee.
 - c. If the property owner or the sign owner does not pay the City the retrieval fee and retrieve the sign within ten days, the City will dispose of the sign.

10.080 Appeal and Hearing Procedure.

- A. Upon receipt of a request for appeal, the Director shall promptly notify the hearings officer who shall set a time and place for the hearing at the earliest possible time, and shall promptly notify the person requesting the hearing as to the time and place for the hearing. Notice may be by any means of giving actual notice. Notice may also be given to such persons as the hearings officer may determine to be interested persons.
- B. The person requesting the hearing and the Director may make argument, submit testimony, cross-examine witnesses, and submit rebuttal evidence on the pertinent issues. Any party may be represented by counsel.
- C. If requested by either party, all hearings shall be recorded in a manner that will allow for written transcription to be made, and all materials submitted at the hearing shall be retained by the hearings officer for a period of two years.
- D. Failure of the persons requesting the hearing to appear at the hearing shall constitute a waiver of the right to a hearing.
- E. After the hearing, the hearings officer shall issue and mail a copy of the order determining the question within 15 days from the date of the hearing, or any continuance thereof not to exceed 15 days from the date of the hearing, to the person requesting the hearing and to the Director.
- F. The hearing officer's decision on appeal is the City's final decision, which may be reviewed solely and exclusively by writ of review in the manner set forth in state law.