



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
FAX: (541) 298-5490
Community Development Dept.

AGENDA CITY OF THE DALLES PLANNING COMMISSION

CITY HALL COUNCIL CHAMBERS
313 COURT SREET
THE DALLES, OREGON 97058
CONDUCTED IN A HANDICAP ACCESSIBLE MEETING ROOM

THURSDAY, JUNE 28, 2007

6:30 P.M.


- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
approval of Minutes - June 7 + June 28
- IV. Public Comment – Items not on the Agenda
- V. *OK* ~~Legislative Public Hearing~~

Application #ZOA 72-07 proposing changes to the current Sign Ordinance. Changes will focus primarily on enforcement provisions, while current sign standards will not be affected. The Sign Ordinance will also be included in the Land Use and Development Ordinance, Chapter 13. The Planning Commission will be asked to recommend these changes to the City Council.

- VI. ~~Recommendation to City Council~~ *OK*
- VII. Commissioner Comments/Questions
- VIII. Staff Comments
- IX. Next scheduled meeting date: July 5, 2007 (No business scheduled at this time)
- X. Adjournment

**City of The Dalles
Staff Report**

**Amendments to the
Land Use and Development Ordinance
General Ordinance No. 07-1283**

Prepared by: John Dean, RARE Planner 

Procedure Type: Legislative

Decision Date: July 28th, 2007

Request: Amendments to the Land Use and Development Ordinance

Properties: All properties within the City of The Dalles land use jurisdiction

Applicant: City of The Dalles
Community Development Department
313 Court Street
The Dalles, OR 97058

BACKGROUND INFORMATION

In staff discussions, it has been determined that signage is a serious concern in the future development of The Dalles. The most serious concern with the current ordinance is the lack of ability to enforce the rules and regulations of the sign code. After receiving feedback from stakeholders, including both business owners and citizens, staff has concluded that the City's sign ordinance should be revised to address current signage needs. Staff also recommends that the sign ordinance needs to be included in the City's Land Use Development Ordinance (LUDO). The proposed amendments are addressed in the attached document(s).

This application is a legislative action under the provisions of Section 3.110.020 and 3.020.060(A)(2).

NOTIFICATION

Notice of this public hearing was published in The Dalles Chronicle on June 17, 2007.

COMMENTS

As of the date of the preparation of this staff report, no comments were received.

REVIEW

A. LAND USE AND DEVELOPMENT ORDINANCE 98-1222

1. PROCEDURE

a. Section 3.010.040 Applications:

FINDING A-1: This application is initiated by the Director pursuant to the provisions of Section 3.010.040 F.

b. Section 3.020.060 Legislative Actions:

Subsection A. Decision types. 2. Ordinance Amendments:

FINDING A-2: This application is for Ordinance Amendments per Section 3.110.

Subsection B. Public Hearings. The Commission shall hold at least one legislative public hearing to review applications for legislative actions and, by duly adopted resolution, make a recommendation to the Council to approve, approve with conditions, or deny the request.

FINDING A-3: The public hearing has been set for June 28, 2007.

d. Section 3.020.060 Legislative Actions:

Subsection C. Notice of Hearing. At least 10 days before the legislative hearings, notice of the hearing shall be published in a newspaper of general circulation.

FINDING A-3: A notice of hearing containing the information required was published in The Dalles Chronicle on June 17, 2007.

e. Notice of Hearing as required by ORS 227.186.

ORS 227.186 requires that all property owners whose property is rezoned must be provided notice at least 20 days but no more than 40 days prior to the date of the first hearing. For purposes of this provision, rezone includes any change that limits or prohibits uses previously allowed in a zone.

FINDING A-4: Staff has determined that none of the proposed amendments comes within the definition of rezone as contained in the statute. Notices were not required.

f. Section 3.020.070(A)(3) Staff Report.

A staff report shall be presented which identifies the criteria and standards applying to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval, approval with conditions, or denial.

FINDING A-5: The staff report has identified the criteria and standards as they relate to this application and has summarized the basic findings of fact. The staff report does include a recommendation for approval.

2. REVIEW

a. Section 3.110.030 Review Criteria

Proposed text amendments shall be consistent with the Comprehensive Plan, and State Laws and Administrative Rules.

FINDING A-6: The City of The Dalles has broad discretion to adopt zoning textual changes. Each of the proposed amendments is consistent with the Comprehensive Plan, State Laws, and Administrative Rules.

B. COMPREHENSIVE PLAN

Goal #1. Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Policy 3. The land-use planning process and policy framework shall include opportunity for citizen input as a part of the basis for all decisions and actions related to the use of land.

FINDING B-1: This proposal is consistent with goals and policies of the Comprehensive Plan. A notice of public hearing has been published and the public has an opportunity to provide testimony on the proposed changes to the Commission. The Commission can make alterations in the proposed amendments based on testimony at this hearing. There will be another public hearing before the Council and that body will also have the opportunity to consider testimony from citizens and make changes.

C. DISCUSSION

Attached is a summary list of the proposed changes in order of current ordinance section titles. Also attached is the newly proposed Sign Ordinance as it would read in the current LUDO format. The italic print represents new language, while words lined out would be deleted. Please note that this document only includes the newly proposed sign section of the LUDO.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission move to direct staff to prepare a revised sign ordinance and new LUDO chapter with the recommended changes for presentation to City Council.

Amendment changes to be made:

LUDO 07-1283

Language provisions (the following language provisions apply to the entire ordinance)

Change *enforcement officer* to *Director*

Change *erector* to *installer*

Delete all references to “adopted by the City of The Dalles”

Change current ordinance format to general LUDO format

CHAPTER 1: INTRODUCTORY PROVISIONS

Section 1. Section 1.050 shall be amended by deleting “Highway means all state highways, including Interstate, Federal Aid Primary, Federal Aid Secondary, and other state highways. See ORS 366.010 defining highway”.

Section 2. Section 1.050 (23) shall be amended by adding the following definition: “Abandoned Signs” means where a sign for an advertised business is no longer conducted in or upon the premises on which a sign is located, such sign shall be considered as an abandoned sign subject to removal by the person who owns the sign or the owner of the building, structure, or premises on which the sign is located. The following are not considered to be abandoned sign:

- a) An advertising sign where a person has merely leased or contracted advertising space thereon.

- b) A sign to which the successor to a person's business location or business agrees to maintain as provided in this section by the filing of a letter of intent with the Director within 30 days after notification of a violation of this provision.

Section 3. Section 1.050 shall be amended by adding the following definition: “Unsafe sign means any sign deemed to be unsafe by the Director”.

CHAPTER II: GENERAL PROVISIONS AND PROCEDURES

Section 4. Section 2.030 shall be amended by deleting all existing language.

Section 5. Section 2.040 (5) shall be amended by deleting the following language: “Proof that the installer holds a current sign company license shall be presented when required” and adding the following language: “The completed application shall include proof the installer is a licensed contractor with the State of Oregon Construction Contractor’s Board”.

Section 6. Section 2.040 shall be amended by adding the following language: "Sign applications shall expire sixty (60) days after approval unless a sign permit has been issued. If signs are not installed within sixty (60) days after issuance, the sign permit shall expire".

CHAPTER III: EXEMPT, TEMPORARY, AND PROHIBITED SIGNS

Section 7. Section 3.010 shall be amended by deleting AND TEMPORARY from the title.

Section 8. Section 3.010 (8) shall be amended by moving the existing language to a new section entitled 13.030.020 TEMPORARY SIGNS.

Section 9. Section 3.010 (7) and (16) shall be amended by deleting the word Temporary from the title.

Section 10. Section 3.010 (17) shall be amended by deleting all existing language.

Section 11. Section 3.010 shall be amended by adding a new section entitled 13.030.020 TEMPORARY SIGNS:

- A. Nonprofit signs identifying or advertising a nonprofit civic, charitable, or benevolent event complying with the same requirements as temporary signs to be used for promotional purposes, except no permit is required.
- B. Commercial and promotional signs may be used only on private property and subject to the following:
 - 1. A permit is required for all temporary signs.
 - 2. Temporary signs may be erected for a period not to exceed two weeks before the event advertised.
 - 3. No more than one "sandwich board" or "A frame" a maximum of 5 feet above ground level shall be allowed for each premises.
 - 4. A balloon, banner, pennant or valance constructed of cloth, flexible light weight plastic, paper or cardboard will be permitted for a period of seven (7) consecutive days in any month and then removed for a minimum of twenty-two (22) days or the remainder of the month.

CHAPTER IV: SIGS PERMITTED BY ZONE, DISTRICT, USE

Section 12. Section 4.010 (1) shall be amended by replacing the word “two (2)” with the word “four (4)”.

CHAPTER V: REGULATIONS BY SIGN TYPE

Section 13. Section 5.030 shall be amended by deleting the following language: “and building code”.

Section 14. Section 5.050 shall be amended by deleting the following language: “However, scrolling or flashing electronic reader boards may be considered, subject to review and recommendation by the Traffic and Safety Commission”.

Section 15. Section 5.090 shall be amended by deleting the following language: “Signs in addition to principal and secondary signs to designate type of fuel, promotional sign for fuel only, and fuel price are allowed at the rate of four (4) square feet maximum per pump island” and adding the following language: “Signs in addition to principal and secondary signs to designate the type of fuel, or a promotional sign for fuel only, and signs indicating fuel price are allowed at the rate of four (4) square feet maximum per pump island”.

CHAPTER VI: MAINTENANCE, CONSTRUCTION, AND SAFEGUARDS

Section 16. Section 6.010 shall be amended by deleting “and the site on which they are located” and adding the word “safe” before the word “neat”.

Section 17. Section 6.020 shall be amended by deleting “and adopted by the City of The Dalles”.

CHAPTER VII: INSPECTION, ENFORCEMENT, AND VARIANCES

Section 18. Section 7.010 (1) shall be amended by deleting the words “or unsafe”.

Section 19. Section 7.010 (2) shall be amended by deleting all existing language.

Section 20. Section 7.020 (1) shall be amended by moving all existing language to Chapter I, Section 1.050.

Section 21. Section 7.020 (2) (a) (1) shall be amended by deleting the words “Except for unsafe signs, compliance shall be required within 30 days from mailing or personal delivery of the notice, unless time is extended for good cause shown”.

Section 22. Section 7.020 (2) (a) (2) shall be amended by deleting all existing language.

Section 23. Section 7.040 shall be amended by deleting “AND ENFORCEMENT” from the title.

Section 24. Section 7.050 shall be replaced with the following language and moved to a new section entitled Section 13.070.060:

13.070.050 Enforcement

- A. Violation. It shall be a violation of this code for any person to erect, maintain, display, or use an illegal sign. An illegal sign includes nonconforming signs not brought into compliance within the time period allotted, signs erected or maintained without a permit, abandoned signs, unsafe signs, prohibited signs, and any sign not in compliance with the provisions of this section.
- B. Persons Responsible. Property owners, persons in control of the property, business owners, and any other person who has violated this code are subject to the penalty provisions of this section.
- C. Notice. It is the policy of the City of The Dalles to attempt to gain voluntary compliance with the provisions of this Section. The Director shall provide the type of notice that will inform responsible persons of the violation and the steps needed to bring the violation into compliance. Prior to initiating any penalties the Director shall provide written notice and allow the following times from the date of the written notice to bring the violation into compliance:
1. For the first offense at least seven calendar days.
 2. For a second similar offense within a year no time is required, the Director may initiate the penalty proceedings from the date the written notice is sent to the responsible party.
- D. Penalties.
1. For installation of a sign without a permit, the permit fee shall be doubled. This penalty is in addition to any other penalty provided in this section.
 2. For illegal signs not brought into compliance within the time period allowed in subsection C, the responsible party shall be subject to the citation process set out below.
 3. Each day that a sign is in violation of the provisions of this section shall constitute a separate offense.
- E. Citation.
1. For those persons who have not brought their illegal sign into compliance within the time period allowed in subsection 3, the Director may issue a Citation. The Citation shall provide a fine amount and a date and time for the responsible part to either pay the fine or appear in municipal court and

request a hearing. Failure to either pay the fine or request a hearing by the date and time specified shall constitute a waiver of the right to object and the fine as set in the citation shall be final.

2. The fine for violations of this section shall be \$50 for the first offense, \$100 for the second offense within a year, and \$250 for each subsequent offense within a year. Each day that a sign is in violation of the provisions of this section shall constitute a separate offense.

Section 25. Section 7.050 (2) shall be amended by replacing “Zoning Ordinance No. 80-986” with “this ordinance”.

Section 26. Section 7.050 (4) shall be amended by replacing the following language: “Upon appeal, the Commission may vary the requirements of this ordinance as permitted herein or it may:

1. Determine the suitability of alternative materials or methods of construction.
2. Decide questions arising out of interpretation of the ordinance.”

And replaced with the following language: “Upon appeal, the Commission may affirm, reverse, or modify the Director’s determination, which modification could include a determination of the suitability of alternative materials or methods of construction.”

CHAPTER VII: Special Provisions

Section 27. Section 8.010 shall be amended by adding the word “sign” before the word “sizes”.

Section 28. Section 8.010 (2) shall be amended by replacing the following language: “After approval by the Commission is received, the plan will be forwarded to the City Council to either: by *section* designate the district as one of special control, return it to the Planning Commission for correction or further study, or reject the plan” with the following language: “After approval by the Planning Commission is received, the plan will be forwarded to the City Council to either: (1) by *section* designate the district as one of the special control; (2) return the petition to the Planning Commission for correction or further study; or (3) reject the plan”.

Section 29. Section 8.030 shall be amended by deleting “Ordinance No. 915 is hereby repealed” and adding the following language: “General Ordinance No. 92-1153, as amended by General Ordinance No. 03-1248, is hereby repealed”.

Chapter 13**DRAFT**Sign Regulations

<u>Section</u>		<u>Page</u>
13.010	Introductory Provisions	13-2
13.020	General Provisions and Provisions	13-7
13.030	Exempt, Temporary, Prohibited Signs	13-10
13.040	Signs Permitted by Zone, District, Use	13-14
13.050	Regulations by Sign Type	13-18
13.060	Maintenance, Construction, Safeguards	13-27
13.070	Inspection, Enforcement, Variances	13-29
13.080	Special Provisions	13-34
13.090	Exhibits	13-36

Section 13.010

Introductory Provisions

<u>Subsection</u>		<u>Page</u>
13.010.010	Purpose	13-3
13.010.020	Scope	13-3
13.010.030	Definitions	13-3

13.010.010 PURPOSE

The purpose of this *section* is to provide reasonable and necessary regulations for the erection and maintenance of signs in order to:

- A. Promote free and meaningful exchange of ideas and information.
- B. Protect the health, safety, property, and welfare of the public.
- C. Improve the neat, clean, orderly, and attractive appearance of the City.
- D. Improve the effectiveness of signs in identifying and advertising businesses and facilities.
- E. Provide for the reasonable, orderly, and effective display of outdoor advertising.
- F. Preserve, protect, and enhance the economic, scenic, historic, and aesthetic values and objectives of the City and its citizens.
- G. Provide effective signing to meet the anticipated differing needs of various areas in the City.

13.010.020 SCOPE

The provisions of this ordinance apply to all lands within the City Limits of the City of The Dalles. The provisions of this ordinance apply to all lands outside the City Limits but within the Urban Growth Boundary of the City of The Dalles, from the date of adoption of *this ordinance* by the Wasco County Court in accordance with the City/County Joint Management Agreement.

13.010.030 DEFINITIONS

Words used in the present tense include the future, the singular number includes the plural, and word "shall" is mandatory and not directory, and the word "building" includes "structure" other than "sign structure". Types of signs are described under the term "sign" unless the context otherwise requires:

Animation means any form of movement by electric, mechanical, or kinetic means including, but not limited to rotation, revolving, or wind activation of all or a portion of a sign incorporating flashing or intermittent light for sign illumination or for changing the message on a message sign.

Approved Plastic means a plastic approved by Underwriters Laboratory for use in construction of electric signs.

Area means the total area of a sign, including all decorative or structural trim, facing announcement, demonstration, display, illustration, or any other attention-getting device, exclusive of essential structural supports.

Awning means a roof-like structure that extends from a building face, generally frame constructed with a cloth or metal cover. An awning contains a sign when a message is incorporated by design or attached to the awning surface.

Building Front means the primary front of a building as viewed from the public street to which it is orientated. The area of a building front is calculated as the height multiplied by the width of the primary front.

Business means all of the activities carried on by the same legal entity on the same premises and shall include, but not be limited to charitable, fraternal, benevolent, educational, and social organizations.

Canopy means a permanent-roofed structure which may be free-standing or partially attached to a building for the purpose of providing shelter to pedestrians or patrons in automobiles but shall not mean a completely closed structure.

City means the City of The Dalles, Oregon.

Cutout means a display in the form of letters, figures, characters, representations, or others in cutout or irregular form attached to or super-imposed upon an advertising sign.

Director means the Director of the Community Development Department of the City of The Dalles, or the Director's official designee, charged with the responsibility for administration of this ordinance.

Display Surface means the area made available by the sign structure for the purpose of displaying a message thereon.

Erect means to construct, paint, place, affix, or otherwise bring into being.

Electronic Reader Board means a sign designed to display electronic messages that move, flash, or scroll, the content of which may be changed.

~~**Highway** means all state highways, including Interstate, Federal Aid Primary, Federal Aid Secondary, and other state highways. See ORS 366.010 defining "highway".~~

Incombustible Material means a material that will not ignite at or below a temperature of 1200 degrees F. during an exposure of five minutes and which will not continue to burn or glow at that temperature when tested in accordance with the UBC.

Low profile building means a building with a roof less than twelve feet above the sidewalk.

Maintain means to allow to exist or continue.

Marquee means a permanent roofed structure attached to or supported by a building but does not mean a "canopy" as defined herein.

Nonstructural Trim means a molding, batten, caps, nailing strip or stringer, lattice, cutout, letter or walkway attached to a sign structure.

Person means an individual, corporation, partnership, association, joint venture, or other legal entity.

Projection means the distance which a projecting sign extends from a building face or the distance by which any other type of sign extends over public property.

Roof Line means the line which marks the highest point of the vertical front of a building in the case of a false front or the line where the roof is joined to the vertical front wall of the building in other cases.

Shopping Center means a building or group of buildings planned and developed as a center on land with two or more retail business occupancies existing or planned. A "shopping center" shall not include a business which fronts on an arterial or collector street and which has a marked segregated parking or use area separate from the shopping center parking. Two or more businesses not otherwise qualified may voluntarily join to form a "shopping center" by executing a form provided by the *Director* including written consent of the owner or owners of the premises, including a provision for removal of nonconforming signs if the "shopping center" is discontinued.

Sign means any sign, display, message, light (other than lighting designed primarily for the illumination of premises), emblem, device, figure, mannequin, painting, drawing, placard, poster, or other thing that is designed, used, or intended for an advertising purpose and includes, where applicable, the sign structure, display surface and all components of the sign. "Sign" includes, but is not limited to:

1. *"Abandoned Signs" means where a sign for an advertised business is no longer conducted in or upon the premises on which a sign is located, such sign shall be considered as an abandoned sign subject to removal by the person who owns the sign or the owner of the building, structure, or premises on which the sign is located. The following are not considered to be abandoned sign:*
 - a) *An advertising sign where a person has merely leased or contracted advertising space thereon.*
 - b) *A sign to which the successor to a person's business location or business agrees to maintain as provided in this section by the filing of a letter of intent with the Director within 30 days after notification of a violation of this provision.*
2. "Advertising sign" means a sign which advertises goods, products, business or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.
3. "Building directory" means a sign giving the name and room number or location of the occupants of a building.
4. "Directional sign" means an on-premise sign designed to be read by a person already on the premises and used only to identify and locate an office, entrance, exits, motor vehicle route, telephone, or similar place, service or route.
5. "Electric sign" means a sign containing electrical wiring.
6. "Flush sign" means a sign erected on the face of a building, marquee, canopy, or roof overhang in a place parallel to such face and not extending more than 12 inches therefrom. A "flush sign" also includes a sign erected against supporting or ornamental columns supporting an overhanging roof in a place generally parallel to the nearest building face. An "attached flush sign" is a flush sign which does not extend beyond the corners of a building and is located under the eaves.
7. "Free-standing sign" means an on-premise sign supported by one or more uprights or braces in the ground and detached from any building or structure.
8. "Message sign" means a sign providing information by means of sequential illumination of lights contained in or upon the sign.
9. "Motor vehicle directional sign" means a sign identifying motor vehicle entrances or exits to or from the premises on which the sign is located.

10. "Nonconforming sign" means a sign which does not conform to the provisions of this ordinance.
11. "On-premise sign" means a sign which advertises only the business or the goods, products, or facilities located on the premises on which the sign is located or the sale, rent, or lease of the premises.
12. "Principal sign" means the primary permanent on-premise sign designed to identify or advertise a business or facility to motorists or pedestrians approaching the business or facility.
13. "Projecting sign" means a sign other than a flush sign which projects beyond the building face to which it is attached.
14. "Roof sign" means a sign erected upon the roof of a building, roof structure, or a flat canopy or marquee roof.
15. "Secondary sign" means a free-standing sign on the premises where the building is set back from the front property line, as hereinafter specified.
16. "Secondary marquee sign" means a marquee sign located only on an alley and under a canopy or flush to the building.
17. "Secondary wall sign" means an incidental, permanent, on-premise flush sign.
18. "Temporary sign" means a sign, banner, balloon, pennant, valance, or advertising display constructed principally of cloth, paper, cardboard, plywood, wood, wallboard, plastic, sheet metal, or similar light weight materials with or without a frame and which is not permanently affixed to any sign structure, sign tower, pole or building. Except for a balloon, banner, pennant or valance constructed of cloth, flexible light weight plastic, paper or cardboard, temporary signs shall be limited to signs displayed five feet or less above ground level.
19. "Under marquee sign" means a sign erected under and supported by a marquee or canopy.
20. "*Unsafe sign*" means any sign deemed to be unsafe by the Director.

Street Frontage means a lot line fronting on a street or highway. The width along such lot line must be at least 50 feet to qualify as a "street frontage", unless the premises has only one such frontage. Access to a street or highway is not required to establish a "street frontage" on a lot line fronting on a limited-access highway.

Uniform Building Code means the Uniform Building Code published by the International Conference of Building Officials as adopted by the State of Oregon. City, a copy of which is on file for inspection in the office of the City Clerk and which is referred to as "UBC" in this ordinance.

Urban Growth Boundary means the boundary established as the outer limit for urban growth, as acknowledged by the Oregon Land Conservation and Development Commission.

Zone means a zone established pursuant to the City's Land Use and Development Ordinance, General Ordinance No. 98-1222.

Section 13.020**General Provisions and Procedures**

<u>Subsection</u>		<u>Page</u>
13.020.010	Sign Permit	13-8
13.020.020	Permit Fee	13-8
13.020.030	Permit Exceptions	13-8
2.030	Sign Company License	13-8
13.020.040	Permit Procedure	13-8
13.020.050	Measurement	13-9

13.020.010 SIGN PERMIT

No sign shall hereafter be erected, re-erected, constructed, altered or maintained until a sign permit has been issued, unless no permit is required under Section 13.020.020. Where a group of signs is to be erected on the same building at the same time, each sign requires a separate permit. The application procedure is set forth in Section 13.020.040.

13.020.020 PERMIT FEE

Before a sign permit is issued, a permit fee therefore shall be paid to the City.

- (4) The City Council may, at any time, adopt a resolution to set or adjust sign permit fees.

13.020.030 PERMIT EXCEPTIONS

A sign permit shall not be required for routine maintenance, such as repainting and repair of existing signs. Exceptions are also made for exempt signs listed in Section 13.030.010. However, a permit is required for a change of business name or any structural alteration to an existing sign.

~~2.030 SIGN COMPANY LICENSE.~~

- ~~(1) No person shall engage in the business of selling, hanging, rehanging, placing, constructing, painting, or repairing any sign structure for which a permit is required without first having obtained an annual sign license from the City Clerk; the Clerk may require the filing of data pertinent to compliance with this ordinance. Persons installing, repairing, or repainting their own sign for which no structural or electrical building permit is required are also excluded.~~
- ~~(2) The application shall be accompanied by a certificate of insurance or other acceptable proof of insurance effective for the term of the license in the amount of \$100,000 property damage including completed operations and broad form property damage coverage, and with policy limit amounts of \$250,000 \$500,000 public liability person injury coverage.~~
- ~~(3) The fee for a new license or a license renewal shall be set by resolution of the City Council. A license shall expire on December 31 of each year and may be renewed upon application and payment of the required fee. A license renewal shall be for a period of one year or portion thereof. However, if the Building or Zoning Official or the Planning Commission finds that any licensee has failed to comply with the provisions of this ordinance or has been guilty of material fraud or misrepresentation while engaged in licensed activities under this ordinance, he or the Commission shall notify the City Council prior to the expiration of such person's license. The City Council may, after a public hearing at which all interested person have an opportunity to appear and offer oral, written, or documentary evidence, refuse to renew the license of such person upon a finding of grounds under this subsection. Both reasonable notice of the City Council hearing and a written finding of the City Council shall be mailed by certified mail to the last known address of the licensee.~~

13.020.040 PERMIT PROCEDURE

- A. Installer shall consult with the *Director* and where appropriate will be provided with a sign permit application.

- B. The completed application shall be submitted with the appropriate fee and drawings to indicate the dimension, location, and height of all existing and proposed signs for the subject business.
- C. Electric signs shall require notations to indicate capacity, power consumption, and shall bear U.L. approval labels. A permit for an electric sign will not be issued until an Oregon State Building Codes electrical permit is presented to the *Director*.
- D. The *Director* may require additional information, such as photographs, needed to determine whether the proposal meets the requirements of this *section*.
- E. ~~*Proof that the installer holds a current sign company license shall be presented when required. The completed application shall include proof the installer is a licensed contractor with the State of Oregon Construction Contractor's Board.*~~
- F. The *Director* will determine when the application is complete. The permit will be approved or denied within fifteen (15) days from the submittal date, unless referred to a City Commission as herein provided. Variances and appeals will be processed as set forth in Section 13.070.100.
- G. When approved, a permit shall be issued by the *Director* with the name of the sign erector *installer* thereon. The sign erector *installer* shall retain the permit for inspection during construction.
- H. *Sign applications shall expire sixty (60) days after approval unless a sign permit has been issued. If signs are not installed within sixty (60) days after issuance, the sign permit shall expire.*

13.020.050 MEASUREMENT

All signs shall be measured to include the entire sign area as follows. The area of a sign composed of individual block letters and/or individual decorative devices, displays, illustration, etc. or other attention-getting device, shall be the area included between two sets of horizontal and vertical lines as follows:

- A. The horizontal line shall be contiguous to the top and bottom edges of the farthest projecting elements; and
- B. The vertical line shall be contiguous to the furthestmost projecting lateral elements.
- C. Single signs with display faces on two sides shall be measured on one face only.

Section 13.030**Exempt, Temporary, Prohibited Signs**

<u>Subsection</u>		<u>Page</u>
13.030.010	Exempt and Temporary Signs	13-11
13.030.020	Temporary Signs	13-12
13.030.020	Prohibited Signs	13-13

13.030.010 EXEMPT AND TEMPORARY SIGNS

Unless determined by the *Director* to be a hazard to motorists, pedestrians, or property, the following signs are exempt from the permit process, but shall comply with the safe erection and maintenance standards of *Section 13.060*, and with all specified standards of this *Section*.

- A. Benches with advertising thereon if approved by the Planning Commission.
- B. Building Directory Signs. Building directory signs are permitted in shopping centers and multi-tenant buildings.
- C. Christmas or seasonal decorations as customarily used.
- D. Community Interests may be identified by the City on a temporary or permanent basis. Such signs may promote, but are not limited to the promotion of: community events, public parks, and points of interest that serve a substantial public purpose.
- E. Directional sign erected by public authority.
- F. Flags of United States, State of Oregon, United States or State of Oregon Military Service, foreign countries, United Nations, or civic, fraternal, veterans, or charitable organizations.
- G. Garage Sale Signs. These signs are allowed, *one per calendar* month to a premise, with a maximum of three square feet in area. *Signs not exceed 72 hours in duration*.
- H. Historic Landmark signs that are erected by the City or the owner of a historic building or placed in accordance with an official historic designation.
- I. House or building numbers limited to six inches in height for dwellings of four or less families and one foot in height for other buildings.
- J. Murals which are mounted or painted upon an existing building or structure and which do not advertise a product or service for sale.
- K. Name sign denoting the name of the owner or occupant, limited to two square feet in sign area.
- L. Non-illuminated directional and motor vehicle directional signs painted on paving or otherwise limited to a maximum height of four (4) feet and a sign area of eight (8) square feet, and prohibited in residential zones.
- M. Official sign, traffic sign, or traffic signal including, but not limited to, a sign identifying a public building or use or erected by a public officer performing an official duty under law, court, or administrative officer.
- N. Permanent building identification limited to 24 square feet in a sign area and prohibited in residential zones.
- O. Permanent Political, Ideological, Religious Signs which convey a message but which do not advertise a product or service for sale, provided such signs shall be subject to all *sections* and regulations concerning size, placement, materials, and the type and soundness of supporting structure.
- P. Signs located inside a building unless such sign is prohibited under *Section 13.030.020*.

- Q. Street banners approved by the City Manager advertising a public entertainment or event and conditioned upon safe erection and maintenance and such conditions as the City Manager may attach including, but not limited to, insurance and bonding.
- R. Temporary For Sale Signs. A temporary "For Sale" sign not exceeding 6 square feet in area with a maximum height of 4 feet, may be erected upon private property, provided that it advertises the sale, lease, or rental of the property upon which it is erected. One additional "For Sale" or "Open House" sign limited to the same size.
- ~~S. Temporary Nonprofit signs identifying or advertising a nonprofit civic, charitable, or benevolent event complying with the same requirements as temporary signs to be used for promotional purposes.~~
- S. Temporary Political campaign signs shall be erected only on private property, and (1) be limited to a sign area of 16 square feet and a maximum horizontal dimension of 8 feet; (2) placed 10 feet inside property lines when located within 10 feet of intersecting street or alley property lines; and (3) maintained in a neat, clean, and attractive condition. ~~shall be erected only on private property, and: limited to a sign area of 16 square feet and a maximum horizontal dimension of eight feet; placed 10 feet inside property lines when located within 10 feet of intersecting street or alley property lines; maintained in a neat, clean, and attractive condition.~~ Signs may be erected during the campaign for a period of 60 days prior to the election in which candidates or issues are to be voted upon. Such temporary signs shall be removed not later than the fifth day following the election.
- T. Temporary Subdivision Signs. A temporary subdivision sign may be erected upon a tract of land designated as a subdivision advertising sale of the tract or lots in the tract. *Such signs are only allowed for up-to five years after approval of subdivision.* Such signs shall not exceed 42 square feet in area. The sign shall be reduced in size by 6 square feet for each lot less than 7 lots in the subdivision. S
- U. Warning sign erected to warn the public of a danger on, or limiting access to public and private property, limited to a maximum width dimension of two feet, a *maximum* sign area of four square feet, and maximum height of six feet.
- ~~Q. Temporary Signs to be Used for Promotional Purposes. Temporary signs may be used for promotional purposes, but only on private property and subject to the following:~~
- ~~1. Temporary signs may be erected for a period not to exceed two weeks before the event advertised.~~
 - ~~2. No more than one "sandwich board" or "A frame" a maximum of 5 feet above ground level shall be allowed for each premises.~~
 - ~~3. A balloon, banner, pennant or valance constructed of cloth, flexible light weight plastic, paper or cardboard will be permitted for a period of seven (7) consecutive days in any month and then removed for a minimum of twenty-two (22) days or the remainder of the month.~~

13.030.020 TEMPORARY SIGNS

- A. Nonprofit signs identifying or advertising a nonprofit civic, charitable, or benevolent event complying with the same requirements as temporary signs to be used for promotional purposes, except no permit is required.

B. Commercial and promotional signs may be used only on private property and subject to the following:

1. A permit is required for all temporary signs.
2. Temporary signs may be erected for a period not to exceed two weeks before the event advertised.
3. No more than one "sandwich board" or "A frame" a maximum of 5 feet above ground level shall be allowed for each premises.
4. A balloon, banner, pennant or valance constructed of cloth, flexible light weight plastic, paper or cardboard will be permitted for a period of seven (7) consecutive days in any month and then removed for a minimum of twenty-two (22) days or the remainder of the month.

13.030.030 PROHIBITED SIGNS

No sign shall be erected or maintained which:

- A. Bears or contains statements, words or pictures of an obscene, indecent, or immoral character, such as will offend the public morals or decency.
- B. Extends or is erected, (such as a roof sign) above the roof line of the building to which it is attached, except as provided in Section 13.050.060.
- C. The *Director* determines to be in violation of ORS 483.138, which applies to signs creating confusion with or interfering with the effectiveness of traffic signs or signals.
- D. Is placed on, affixed to, or painted on a motor vehicle, vehicle, or trailer and placed on public or private property for the primary purpose of providing a sign not otherwise permitted by this ordinance.
- E. Is a private sign placed on, painted on, or affixed to any utility pole, tree, or rock.
- F. Is located in an area of the City zoned residential, except for those signs designated in Sections 13.030.010, 13.040.010 and 13.040.040.
- G. By use of lights or illumination, creates an unduly distracting or hazardous condition to a motorist or pedestrian. No exposed reflective-type bulb, spot, or incandescent lamp shall exceed 30 watt capacity.
- H. Is otherwise in violation of any provision of this ordinance.

Section 13.040**Signs Permitted by Zone, District, Use**

<u>Subsection</u>		<u>Page</u>
13.040.010	Residential	13-15
13.040.020	Neighborhood Commercial	13-15
13.040.030	Recreational Commercial	13-15
13.040.040	Community Facility Overlay	13-15
13.040.050	Central Business	13-15
13.040.060	General Commercial	13-16
13.040.070	Industrial	13-16
13.040.080	Highway District	13-16
13.040.090	Shopping Centers	13-16

13.040.010 SIGNS IN RESIDENTIAL ZONES

These areas are not zoned for commercial use, but are permitted the following non-animated, non-illuminated signs.

- A. One ~~two (2)~~ four (4) square foot flush sign for homes with approved home occupation permits.
- B. Community Facility signs permitted by Section 13.040.040.
- C. Multi-family housing complexes with at least four dwellings are allowed a flush or a free-standing sign no more than eight feet above grade, as follows.

<u>Number of dwelling units</u>	<u>Sign area</u>
4 to 8	12 square feet
9 to 15	24 square feet
16 to 24	32 square feet
25 or more	48 square feet

13.040.020 SIGNS IN NEIGHBORHOOD COMMERCIAL ZONES

These areas are zoned for limited commercial use and are surrounded by residential neighborhoods, and are permitted the following signs.

- A. Flush signs only, equal to twenty-five percent of the building front.
- B. A secondary sign if the building is set back at least 20 feet from the property line, a maximum 32 square feet of sign area not to exceed 8 feet in height above street grade.

13.040.030 SIGNS IN RECREATIONAL COMMERCIAL ZONES

These areas are zoned for limited recreational and commercial uses, and are permitted the following signs.

- A. The same signs as allowed in the Neighborhood Commercial Zone, Section 13.040.020; and
- B. A free-standing principal sign for non-advertising community uses, such as a park sign, with a 48 square foot limit, not to exceed 8 feet above grade.

13.040.040 SIGNS IN COMMUNITY FACILITIES OVERLAY ZONES

These areas are zoned for community facility uses as an overlay to the primary (residential, commercial, etc.) underlying zone. Signs for the purpose of identification of a public or private facility which serves a substantial public purpose, including, but not limited to, churches, schools, hospitals, medical offices, clinics, radio/television stations and utility substations are permitted as follows.

One flush or free-standing sign not to exceed 48 square feet in area. The top of a free-standing sign shall not to exceed 8 feet above grade.

13.040.050 SIGNS IN CENTRAL BUSINESS ZONES

These areas are zoned for a variety of retail and service business uses, and are allowed the following signs.

- A. One principal sign, either flush, projecting, or free-standing. If projecting or free-standing, limited to one square foot for each linear front foot of the major street frontage of the property with a maximum of 100 square feet, and subject to the requirements of Section 13.050.030.
- B. A secondary sign if the building is setback over 20 feet from the property line, a maximum of 35 square feet of sign area not to exceed 20 feet in height above street grade.

13.040.060 SIGNS IN GENERAL COMMERCIAL ZONES

These areas are zoned for a variety of retail, wholesale, and service business uses, and are allowed the following signs.

- A. The same principal signs as allowed in the Central Business Zone, Section 13.040.050.
- B. A secondary sign if the building setback is 50 feet, a maximum of 50 square feet of sign area not to exceed 20 feet in height above street grade.

13.040.070 SIGNS IN LIGHT AND HEAVY INDUSTRIAL AND MANUFACTURING ZONES

These areas are zoned for a variety of industrial, manufacturing, and limited commercial and residential uses. The following signs are allowed.

- A. The same principal signs as allowed in the Central Business Zone, Section 13.040.050.
- B. A secondary sign if the building setback is 50 feet, a maximum of 50 square feet of sign area not to exceed 20 feet in height above street grade.

13.040.080 SIGNS IN THE HIGHWAY DISTRICT

This district was formed to allow greater visibility of signs proximate to primary and secondary highways. For the purposes of this *section* the Highway District is described as follows:

All land within 100 feet of each right of way line of U.S. Highway I-84N from the West Urban Growth Boundary (UGB) to the East UGB, and Oregon State Highway No. 292 (West Second Street) from its intersection with Webber Street, westerly to the UGB.

The following signs are allowed in the Highway District.

- A. The same principal signs as allowed in the Central Business Zone, Section 13.040.050, except that a free-standing sign may have a maximum area of 250 square feet, given one (1) square foot of sign area per linear foot of major street frontage.
- B. A secondary sign if the building is set back at least 50 feet from the property line, a maximum of 50 square feet of sign area with a maximum height of 20 feet above grade.

13.040.090 SIGNS FOR SHOPPING CENTERS IN APPROPRIATE ZONES

Retail shopping centers are generally located in the Central Business and General Commercial Zones, and are allowed the following signs.

- (4) Each tenant is allowed flush signs at a maximum of twenty-five percent of the building front. Only one free-standing sign permitted for the center, with the same area and height allowances provided for in the Highway District (250 square foot area and 40 foot height maximum).

Section 13.050**Regulations by Sign Type**

<u>Subsection</u>		<u>Page</u>
13.050.010	Principal Sign	13-19
13.050.020	Secondary Sign	13-19
13.050.030	Free Standing and Projecting	13-19
13.050.040	Flush	13-19
13.050.050	Message	13-20
13.050.060	Roof	13-20
13.050.070	Secondary Marquee	13-20
13.050.080	Home Occupation	13-20
13.050.090	Service Station	13-20
13.050.100	Menu Board	13-21
13.050.110	On-Premise	13-21
13.050.120	Secondary Frontage	13-21
13.050.130	Electric	13-21
13.050.140	Animated	13-21
13.050.150	Off-Premise	13-21
13.050.160	Sidewalk Signboards	13-22

13.050.010 PRINCIPAL SIGN

A principal sign is limited to a combination, free-standing, flush, or projecting sign.

13.050.020 SECONDARY SIGN

A secondary sign is a free-standing sign on the premises where the building is setback from the front property line.

13.050.030 FREE-STANDING AND PROJECTING SIGNS

Such signs shall be located in conformity to the Zoning Ordinance ~~and building code~~ of the City of The Dalles.

- A. A free-standing sign shall not exceed a maximum height of forty feet above the street grade.
- B. Signs may project twelve inches over an alley with a minimum clearance of fourteen feet above grade and may project an additional twelve inches for each twenty-four inches of additional clearance above grade, to a maximum projection of thirty-six inches.
- C. Except in alleys or other areas of vehicular traffic, a minimum of eight feet clearance shall be maintained from the bottom of a projecting or free-standing sign, and the level of the sidewalk or grade immediately below at the building line with a maximum projection of 12 inches. For each additional projection of 6 inches the sign shall have 12 inches of vertical clearance above the eight foot minimum requirement (see diagram on last page). In no case shall the maximum projection exceed five feet nor shall any sign extend closer to the street or alley than two feet from the outer curb face or two feet from the traveled surface where no curb is present.
- D. Unless approved by the *Director* for a minimum number of braces on a building face not able to support a projecting sign, no projecting signs shall be supported by a frame commonly known as an "A-frame" or other visible frame located on a building roof.
- E. To insure traffic safety, signs shall be located in accordance with the "Clear Vision Area" provisions of the City's Land Use and Development Ordinance, General Ordinance No. 98-1222.

13.050.040 FLUSH SIGNS

Flush signs shall comply with the following standards and specifications:

- A. Maximum Area
 - 1. Residential Zones. Two square feet in area. Multi-family complexes are allowed larger signs in accordance with Section 13.040.010 (3).
 - 2. Shopping Centers. Twenty-five percent of building front maximum.
 - 3. Neighborhood Commercial Zones. Twenty-five percent of building front maximum.
 - 4. Central Business Zones. Fifty percent of building front maximum.

5. General Commercial and Industrial Zones. Fifty percent of building front maximum.
6. Highway District. Fifty percent of building front maximum.
7. Recreational Commercial Zone. Twenty-five percent of building front maximum.
8. Community Facilities Overlay Zone. 48 square foot maximum.

B. Placement and Projection

1. The total sign area of all exterior walls shall not exceed the maximum allowed under Section 13.050.040 (A).
2. Flush signs may be erected on the face of a building, marquee, canopy, or roof overhang in a place parallel to such face and not extending more than 12 inches therefrom, except that:
 - a. A flush sign may be erected against supporting or ornamental columns located under an overhanging roof in a place generally parallel to the nearest building face.
 - b. A flush sign may be attached to the surface of an awning without further projection therefrom.

13.050.050 Message Signs

Message signs are limited to stationary time, date, temperature signs, or rotating signs with a maximum speed of seven revolutions per minute. However, ~~scrolling or flashing electronic reader boards may be considered, subject to review and recommendation by the Traffic and Safety Commission.~~

13.050.060 Roof Signs

Roof signs are permitted only on low profile buildings and the top of roof signs shall not extend more than twelve (12) feet from sidewalk grade.

13.050.070 Secondary Marquee Signs

Secondary marquee signs shall not be over eight (8) square feet in area, shall be located under a canopy or flush in an alley with a minimum of 7 1/2 feet clearance.

13.050.080 Home Occupation Signs

Home occupation signs are permitted in the residential district, not to exceed two square feet in area and flush mounted.

13.050.090 Service Station Island Signs

~~Signs in addition to principal and secondary signs to designate type of fuel, promotional sign for fuel only, and fuel price are allowed at the rate of four (4) square feet maximum per pump island. Signs in addition to principal and secondary signs to designate the type of fuel, or a promotional sign for fuel only, and signs~~

indicating fuel price are allowed at the rate of four (4) square feet maximum per pump island. In addition, one sign designating fuel prices may be attached to a pole with the top of the sign not to exceed twelve (12) feet above ground level, with a maximum area of thirty-two (32) square feet.

13.050.100 Restaurant Menu Board

Signs in addition to principal and secondary signs for a restaurant with a drive through window are allowed; no more than two (2) menu boards not to exceed 32 square feet each, with a maximum height of 8 feet.

13.050.110 On-Premise Signs

All on-premise signs must utilize at least fifty percent (50%) of the sign area for advertising the main business on the premises. Signs that contain more than 50% off-premise advertising shall be regulated under Section 13.050.150.

13.050.120 Secondary Street Frontage Signs

Secondary frontage signs shall be of a flush type only. Size limits for secondary frontage flush signs are those given in Section 13.050.040.

13.050.130 Electric Signs

Electric signs shall bear the Underwriters Laboratories, Inc. seal of approval. All electrical signs shall be installed in accordance with the National Electric Safety Code as regards distances from electrical line. Electrical equipment used in connection with display signs shall be installed in accordance with the City ordinances regulating electrical installations.

13.050.140 Animated Signs

Except for message signs of the type giving time and temperature information, or signs rotating at a speed not to exceed 7 rpm's, no sign which has any mechanical moving, revolving, rotating, or animated parts are allowed.

13.050.150 Off-Premise Advertising Signs

Advertising signs shall be located only in General Commercial and Industrial Zones, as designated by the City Zoning Ordinance.

- A. The maximum height above grade shall be 24 feet, but shall be increased to 40 feet in the Highway District.
- B. Outdoor advertising signs shall have metal primary structural members.
- C. Size
 1. Primary and Secondary Highways. The maximum number of advertising signs shall not exceed 8 per mile with no more than 5 on one side of the street and no closer than 500 feet apart when measured at right angles to the street or highway centerline to which the sign is oriented. Sign area shall not exceed 672 square feet, with maximum dimensions of 14 feet vertical and 48 feet horizontal.

2. City Streets. The maximum number of advertising signs shall not exceed 8 per mile with no more than 5 on one side of the street and no closer than 300 feet apart when measured at right angles to the street centerline to which the sign is oriented. Sign area shall not exceed 288 square feet, with maximum dimensions of 12 feet vertical and 24 feet horizontal.

13.050.160 Sidewalk Signboards

Sidewalk signboards are allowed for any business in the Central Business Commercial zone, whenever there is a minimum of six feet (6') of clear, concrete sidewalk passage, excluding pavers.

A. Size

Sidewalk signboards shall not exceed the following dimensions (see diagram):

- a) Width = twenty-five inches (25");
- b) Height = forty-five inches (45");
- c) Base spread = twenty-six inches (26").

B. Number

One (1) sidewalk signboard per business is allowed. More than one (1) business can be listed on a sidewalk signboard.

C. Placement

1. Sidewalk signboards shall be located adjacent to the property occupied by the business; no offsite sidewalk signboards are allowed.
2. Sidewalk signboards shall not be placed closer than three feet (3') from the entrance to the business or storefront, measured from the nearest door edge to the near edge of the sign (see diagram).
3. Sidewalk signboards shall not be placed closer than three feet (3') from the edge of the property line, measured from the nearest property corner to the near edge of the sign (see diagram).
4. Sidewalk signboards shall be placed at least six feet (6') apart, measured from the near edge of one sign to the near edge of the other sign.
5. Sidewalk signboards shall not be placed in front of murals, except where the bottom of the mural is above the top of the sidewalk sign.
6. Sidewalk signboards shall not be allowed in alleys.

D. Hours of Display

Sidewalk signboards shall only be displayed during business hours. The signs shall be moved indoors when the business is closed. In the case where multiple businesses are displayed on a single sidewalk signboard, only one (1) of the businesses needs to be open for the sidewalk signboard to be displayed.

E. Attachments

No extraneous fixed or moving attachments shall be placed on any sidewalk signboard.

F. Materials

1. The following materials are acceptable for use in the construction of sidewalk signboards:
 - a) Medium-density overlay (MDO) plywood or material of similar quality;
 - b) Lusterboard or material of similar quality;
 - c) Marlite or material of similar quality;
 - d) Exterior-grade plywood with a veneer grade of not less than A;
 - e) Whiteboards, blackboards, and grease-pen boards.
2. Exposure 1 and Interior grade plywood shall not be allowed. Veneer grades B, C-Plugged, C or D shall not be allowed.
3. No sandbags, concrete blocks, scrap metal, or other similar materials shall be used to stabilize any sidewalk signboard.
4. Staples, zipties, thumbtacks, and other similar materials shall not be allowed in the assembly of the sidewalk signboard, nor to affix materials to said sign.

G. Design

1. Signboards shall not be lighted in any manner, other than incidentally by other lighting.
2. No neon or fluorescent colors shall be allowed.
3. Sidewalk signboards shall be secured against the wind, in order to keep the signs from falling over and to keep applied materials from blowing away.
4. Any and all lettering and/or other display information shall be applied in a professional manner, that is, be of a quality that would be provided if the sidewalk signboard was created by a professional sign-making company.
5. For base & frame-type signs, the height of the base pad cannot exceed one-quarter inch (1/4") for the first ten inches (10") from either leading edge (see diagram).
6. Sidewalk signboards in The Dalles Commercial Historic District and Trevitt's Addition shall adhere to design standards set forth in the document entitled "Design Guidelines for The Dalles Commercial Historic District and Trevitt's Addition".

H. Maintenance

Signs must be kept in a state of good repair and condition, and free from the following conditions:

- a) Rust;

- b) Chipped or peeling paint;
- c) Delaminating or peeling materials;
- d) Scratched materials;
- e) Faded, smudged, smeared, or streaked images or lettering;
- f) Missing hardware;
- g) Poor craftsmanship or construction that would cause the sign to be structurally unsound and thereby pose a health or safety hazard;
- h) Any other condition that the Director of the Community Development Department deems to be contrary to the purposes of promoting visually appealing and structurally-sound signage.

I. Fees

The one-time fee for a sidewalk signboard permit shall be ten dollars (\$10.00). The fee and permit are not transferable to other sidewalk signboards.

J. Enforcement

The following notice and enforcement standards shall apply to the placement and display of sidewalk signboards.

1. For purposes of administering the provisions of section 13.050.160(10), the City Manager shall appoint appropriate staff persons.
2. An unsafe sidewalk signboard shall be defined as a sidewalk signboard that violates any of the following provisions
 - a) Any size standard set forth in section 13.050.160 (A);
 - b) Any placement standard set forth in section 13.050.160 (C) (1) through (6);
 - c) The design standards set forth in section 13.050.160 (G) (3) or (5); or
 - d) Any maintenance standard set forth in section 13.050.160 (H) (a) through (h), such that the condition of the sign poses a danger to the health or safety of the public.
3. In the case of a sidewalk signboard which has been determined to be unsafe, the authorized staff person shall immediately attempt to give verbal notice of the violation to the owner or owners of the business(es) that the sidewalk signboard advertises, or to an on-site employee of the business(es). In the event the responsible person(s) who is provided notice under this section refuses to correct the violation immediately, the authorized staff person shall remove or cause others to remove and impound the sign.
4. In the case of a sidewalk signboard which is displayed during non-business hours, the authorized staff person shall issue a written notice of the violation. The notice shall be given to the owner or owners of the business(es) that the sidewalk signboard advertises, and shall be either delivered personally or by certified mail, return receipt requested, sent to the owner's last known address of record. The

notice shall require correction of the violation within five (5) days from either the date of personal delivery of the notice, or the date of mailing of the notice.

- a) If the violation is not corrected within the five (5) day period, the authorized staff person shall send a second written notice of violation, by certified mail, return receipt requested, to the owner or owners of the business(es) that the sidewalk signboard advertises, indicating that the sidewalk signboard may be impounded if the violation is not corrected within five (5) days from the date of mailing of the notice.
 - b) If the violation remains after issuance of the second notice, the authorized staff person may remove or cause others to remove and impound the sidewalk signboard.
5. For other sidewalk signboards which have been determined not to conform to the provisions of this *section*, the authorized staff person shall issue a written notice of non-compliance. The notice shall be given to the owner or owners of the business(es) which the sidewalk signboard advertises. The notice shall either be delivered personally to the business owner(s), or sent by certified mail, return receipt requested, to the business owner(s) at the owner's last known address of record. The notice shall set forth the nature of the violation, and shall require the violation be corrected within fifteen (15) days from either the date of personal delivery or the date of mailing of the notice, unless the time for compliance is extended for good cause shown. If the non-conforming sign is not brought into compliance within the required time period, the authorized staff person may remove or cause others to remove and impound the sidewalk signboard.
6. Upon impoundment of a sidewalk signboard under the provisions of subsections (3), (4), or (5) of this *section*, the authorized staff person shall post a notice of impoundment in a visible location upon the premises of the business which the sign advertises. The authorized staff person shall immediately provide a copy of the impoundment notice to the business owner(s) by either personal delivery or by certified mail, return receipt requested, sent to the owner's last known address of record.
- a) The notice of impoundment shall specify the sections of the *section* which have been violated, the place and time when the impounded sign can be recovered, the cost of any fee which must be paid to recover the sign, and the length of time until the impounded sign is discarded if the sign is not reclaimed.
 - b) The notice shall also provide the owner(s) of the sign which has been impounded with notice that they may request a hearing to contest the validity of the impoundment. A request for a hearing must be made, to the Director of the Community Development Department, within five (5) calendar days after either the date of personal delivery of the impoundment notice, or the date that notice of impoundment was mailed, as evidenced by the postmark, not including Saturdays, Sundays or holidays. When a timely request for a hearing is made, a hearing shall be set in the Municipal Court for four (4) calendar days after the request is received, excluding Saturdays, Sundays, and holidays, but may be postponed at the request of the person asking for the hearing. The Municipal Court Judge shall determine whether impoundment of the sidewalk signboard was proper.

7. In order to retrieve an impounded sidewalk signboard, the owner of the sidewalk signboard shall present a copy of the impound notice to the Community Development Department, at the time and place indicated on the notice of impoundment.
 - a) The fee to retrieve an impounded sidewalk signboard for a first violation of this *section* shall be ten dollars (\$10.00). The fee to retrieve an impounded sidewalk signboard for a second violation of this *section* shall be fifty dollars (\$50.00). The fee to retrieve an impounded sidewalk signboard for a third violation of this *section* shall be one hundred dollars (\$100.00). For each subsequent violation of this *section*, the fee to retrieve an impounded sidewalk signboard shall be one hundred dollars (\$100.00). For purposes of this *section*, the number of offenses shall be calculated based upon the number of violations attributable to the business owner(s) of the sidewalk signboard, who has violated the provisions of this *section*.
 - b) Any sidewalk signboard which has been impounded and is not reclaimed within ninety (90) days from the date of impoundment, may be disposed of by the authorized staff person.

Section 13.060**Maintenance, Construction, Safeguards**

<u>Subsection</u>		<u>Page</u>
13.060.010	Maintenance and Appearance	13-28
13.060.020	Design and Construction	13-28
13.060.030	Clearance and Safeguards	13-28

13.060.010 MAINTENANCE AND APPEARANCE

All signs ~~and the site on which they are located~~ shall be maintained in a safe, neat, clean, and attractive condition.

- A. Signs shall be kept from excessive rust, corrosion, peeling paint, or other surface deterioration. The display surfaces, trims, frames, and supports of all signs shall be kept neatly painted or otherwise neatly maintained, as applicable.
- B. On-premise ground signs shall be directly supported by poles or supports in the ground. No external cross-braces, guy wires, "T-frames", "A-frames", "trusses", or similar bracing systems shall be used in constructing a ground sign or free-standing sign.
- C. Except for temporary signs, all signs shall be rigid and firmly attached to its supporting structure.

13.060.020 DESIGN AND CONSTRUCTION

Except as specified in this *section*, design, loading, construction, and materials shall be those specified in the Uniform Building Code, as amended by the State of Oregon. ~~and adopted by the City of The Dalles.~~

13.060.030 CLEARANCE AND SAFEGUARD

To insure public safety, the installation and maintenance of all signs shall be subject to the following provisions.

- A. The installation or erection of any sign requiring the operation of any crane or other equipment must be conducted in a manner so as to maintain a minimum clearance from any and all high-voltage electric power or other type electrical lines, as dictated by the National Electric Safety Code.
- B. All free-standing sign installers must utilize the "call before you dig" utilities locate service (1-800-332-2344) offered by the Oregon Utilities Coordinating Council to insure clearance from underground utilities.
- C. All signs together with all of their supports, braces, guys, and anchors shall be kept in good repair and be maintained in a safe condition.

Section 13.070Inspection, Enforcement, Variances

<u>Subsection</u>		<u>Page</u>
13.070.010	Nonconforming Signs	13-30
13.070.020	Removal of Nonconforming Signs	13-30
13.070.030	Signs for Nonconforming Uses	13-31
13.070.040	Administration and Enforcement	13-31
13.070.050	<i>Enforcement</i>	13-32
13.070.060	Variances and Appeals	13-33

13.070.010 NON-CONFORMING SIGNS

Signs and advertising structures which do not conform to the provisions of this section but which lawfully existed and were maintained on the effective date of Ordinance 92-1153 ~~this section shall remain lawful except as provided in this section.~~

- A. A non-conforming sign which has been determined by the *Director* to be improperly maintained ~~or unsafe~~ shall be removed within 30 days after notice as provided in Section 13.070.020.
- ~~(2) A non-conforming sign which is a temporary sign shall conform to the provisions of Ordinance 3.010 within 30 days after notice.~~
- B. Non-conforming signs which violate the provisions of Section 13.030.020, Prohibited Signs, shall be removed within 30 days after notice.
- C. Non-conforming signs which are structurally altered, relocated or replaced shall immediately comply with all provisions of this *section*.
- D. Non-conforming signs which have been abandoned or those advertising a business that is no longer conducted in or upon the premises and has not been so conducted for a period of 60 days shall comply with this *section* or shall be removed within 30 days after notice.

13.070.020 REMOVAL OF NON-CONFORMING SIGNS

~~(1) Abandoned Signs. Where an advertised business is no longer conducted in or upon the premises on which a sign is located, such sign shall be considered as an abandoned sign subject to removal by the person who owns the sign or the owner of the building, structure, or premises on which the sign is located. The following are not subject to this abandoned sign provision:~~

~~(a) An advertising sign where a person has merely leased or contracted advertising space thereon.~~

~~(b) A sign to which the successor to a person's business location or business agrees to maintain as provided in this ordinance by the filing of a letter of intent with the Building or Zoning Official within 30 days after notification of a violation of this provision.~~

~~(2) Procedure for obtaining compliance and removal of non-conforming signs.~~

~~(a) Notice~~

- ~~1. Except for signs which the Building or Zoning Official has determined to be unsafe signs which by reason of their condition present an immediate and serious danger to public safety, *The Director* shall give written notice of a non-conforming sign. The notice shall be given to the owner of the building, structure or premises on which the sign is located. Notices shall be sent by certified mail or be delivered personally to the building owner at his last known address, or address of record. The notice shall specify the violations of the *section* and the time allowed for compliance. Except for unsafe signs, compliance shall be required within 30 days from mailing or personal delivery of the notice, unless time is extended for good cause shown.~~

2. ~~In the case of an unsafe sign, the Building or Zoning Official shall make a reasonable attempt to notify the sign owner or the owner of the building, structure or premises on which the sign is located. The type of notice and the time spent attempting notice shall be determined by the Building or Zoning Official based upon the nature of the hazard and the immediacy of the threatened harm to person or property. Upon failure of notice after reasonable effort to give the same, or the refusal of the notified persons to comply with the ordinance within the time specified by the Building or Zoning Official, the Building or Zoning Official may remove or cause others to remove the sign or make the minimum necessary repairs to remove the danger or hazard.~~

13.070.030 SIGNS FOR NON-CONFORMING USES

A use which has been determined to be non-conforming pursuant to the City's Land Use and Development Ordinance, General Ordinance No. 98-1222, but which would ordinarily require a sign, if such use were located in an appropriate zoning district, shall be permitted a sign, subject to the requirements of the zone which best fits the non-conforming use, as determined by the *Director*.

13.070.040 Administration and Enforcement

- A. Inspection. The *Director* under the supervision and control of the City Manager is hereby authorized and directed to enforce this section. Upon the presentation of proper credentials, he may enter at reasonable times into or upon any building or premises in the City to inspect signs or carry out the duties and responsibilities imposed on him by this section. The *Director* may inspect or reinspect any sign to determine if it complies with this ordinance.
- B. Removal of unsafe signs. Upon documentation that despite reasonable attempts to provide notice as set forth herein, that notice could not be delivered to the sign owner or the owner of the building, structure or premises upon which the sign is located, or that notification was received and the notified person(s) has or have refused to comply with the ordinance in the time specified by the *Director*, the *Director* may remove or cause others to remove the sign or make the minimum necessary repairs to remove the danger or hazard. The owner shall reimburse the city for any costs incurred in the removal of the sign or when making the minimum necessary repairs when removing the danger or hazard.

~~In the case of an unsafe sign, the *Director* shall make a reasonable attempt to notify the sign owner or the owner of the building, structure or premises on which the sign is located. The type of notice and the time spent attempting notice shall be determined by the *Director* based upon the nature of the hazard and the immediacy of the threatened harm to person or property. Upon failure of notice after reasonable effort to give the same, or the refusal of the notified persons to comply with the ordinance within the time specified by the *Director*, the *Director* may remove or cause others to remove the sign or make the minimum necessary repairs to remove the danger or hazard.~~

- C. Release from liability. Neither the *Director* nor the City nor any of its authorized representatives shall be liable for any damages, costs, or expenses for any failure to enforce the provisions of this section.

- (3) ~~Violation. No person shall erect, maintain, or use, nor shall any person in control of any premises, permit the erection, maintenance, or use of any sign which does not conform to and comply with the provisions of this ordinance. Nothing contained in this ordinance is intended to permit the erection or maintenance of any sign in violation of any other~~

~~ordinances or State or Federal law. Violations of this ordinance shall be subject to the penalties hereinafter provided.~~

- ~~(4) Penalties. Any person who violates any of the provisions of this ordinance, upon conviction thereof shall be punished by a fine of not more than \$200.00 or by imprisonment for not more than 30 days, or both such fine and imprisonment. Each calendar day that a sign is in violation of this ordinance shall constitute a separate violation.~~

13.070.050 Enforcement.

- A. Violation. *It shall be a violation of this code for any person to erect, maintain, display, or use an illegal sign. An illegal sign includes nonconforming signs not brought into compliance within the time period allotted, signs erected or maintained without a permit, abandoned signs, unsafe signs, prohibited signs, and any sign not in compliance with the provisions of this section.*
- B. Persons Responsible. *Property owners, persons in control of the property, business owners, and any other person who has violated this code are subject to the penalty provisions of this section.*
- C. Notice. *It is the policy of the City of The Dalles to attempt to gain voluntary compliance with the provisions of this Section. The Director shall provide the type of notice that will inform responsible persons of the violation and the steps needed to bring the violation into compliance. Prior to initiating any penalties the Director shall provide written notice and allow the following times from the date of the written notice to bring the violation into compliance:*
1. *For the first offense at least seven calendar days.*
 2. *For a second similar offense within a year no time is required, the Director may initiate the penalty proceedings from the date the written notice is sent to the responsible party.*
- D. Penalties.
1. *For installation of a sign without a permit, the permit fee shall be doubled. This penalty is in addition to any other penalty provided in this section.*
 2. *For illegal signs not brought into compliance within the time period allowed in subsection C, the responsible party shall be subject to the citation process set out below.*
 3. *Each day that a sign is in violation of the provisions of this section shall constitute a separate offense.*
- E. Citation.
1. *For those persons who have not brought their illegal sign into compliance within the time period allowed in subsection 3, the Director may issue a Citation. The Citation shall provide a fine amount and a date and time for the responsible part to either pay the fine or appear in municipal court and request a hearing. Failure to either pay the fine or request a hearing by the date and time specified shall constitute a waiver of the right to object and the fine as set in the citation shall be final.*

2. *The fine for violations of this section shall be \$50 for the first offense, \$100 for the second offense within a year, and \$250 for each subsequent offense within a year. Each day that a sign is in violation of the provisions of this section shall constitute a separate offense.*

13.070.060 VARIANCES AND APPEALS

- A. The Planning Commission of the City of The Dalles shall act on all requests for variances and appeals of sign permit determination by the *Director*.
- B. The Planning Commission shall conduct hearings for appeal and variance matters in the same manner and shall apply the same standards as are used for variance hearings conducted pursuant to *this ordinance*. ~~Zoning Ordinance No. 80-986.~~
- C. Except in the case of unsafe signs, no action shall be taken by the *Director* under this *section* pending an appeal or variance request to the Planning Commission and during any further appeal to the City Council.
- D. Appeals. Any person aggrieved by a determination of the Director may appeal to the Planning Commission. Upon appeal, the Commission may affirm, reverse, or modify the Director's determination, which modification could include a determination of the suitability of alternative materials or methods of construction
- E. In exercising its appeal or variance authority, the Commission may attach such conditions to either as it determines to be necessary to achieve the purposes stated in *Section 13.010.010* of this ordinance.

Section 13.080Special Provisions

<u>Subsection</u>		<u>Page</u>
13.080.010	Districts of Special Control	13-35
13.080.020	Severability	13-35
13.080.030	Repeal	13-35

13.080.010 Districts of Special Control

The Planning Commission shall have the authority to establish districts which must be at least one city block in length (or the equivalent thereof) that would allow for variance of *sign* sizes, types, heights, etc. when:

- A. the area is shown to have, or it is desired to promote, a unique and beneficial display of desirable architectural, historic, or historic area; or
- B. a group of commercial activities in an intensive commercial area joins together in a cooperative arrangement to sign their occupancies so as to create an unusual or unique display; but only after a plan showing all of the new sign arrangement and a petition of all property owners is presented to the City Planning Commission. *After approval by the Planning Commission is received, the plan will be forwarded to the City Council to either: (1) by section designate the district as one of the special control; (2) return the petition to the Planning Commission for correction or further study; or (3) reject the plan.*

~~After approval by the Commission is received, the plan will be forwarded to the City Council to either: by section designate the district as one of special control, return it to the Planning Commission for correction or further study, or reject the plan.~~

- C. Once approved, the plan shall govern sign design, location, number, and size within the special district. However, all other provisions of this *section*, including but not limited to, permitting, safety, inspection, and enforcement, shall have full force and effect.

13.080.020 Severability

If any part, *section*, sub-section, sentence, or phrase of this *ordinance* is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this *section*.

13.080.030 Repeal

~~Ordinance No. 915 is hereby repealed.~~

General Ordinance No. 92-1153, as amended by the General Ordinance No. 03-1248, is hereby repealed.