

# **ORDINANCE NO. 874**

## **AN ORDINANCE ADOPTING TEXT AMENDMENTS TO CHAPTER 10 OF THE TROUTDALE DEVELOPMENT CODE**

### **THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:**

1. The current Troutdale Sign Code (Chapter 10 of the Troutdale Development Code) was adopted in 2017 in wake of the larger overhaul of the development code and a need to update standards from recent court cases related to signs.
2. Although the general standards and expectations of this Chapter are fundamentally sound, there remain ambiguities in providing clear and objective definitions for certain types of signs and to properly account for the tenure of temporary signs.
3. Recent investments in the City of Troutdale's overall permitting system have enabled the possibility of faster and concurrent review of sign permit applications, particularly those that also have building and electrical permit requirements.
4. Applicants for sign permits—particularly businesses—have articulated frustrations on the current two-step process for obtaining a permit and the general staff burden of routing a sign permit approval through a land use application, rather than simply applying existing standards in a more expeditious manner.
5. The Planning Commission has reviewed the proposed amendments at a public hearing during the December 8, 2021 regular meeting and voted 6-1 to recommend these amendments as presented to City Council for approval.
6. The City Council has adopted findings consistent with the provisions set forth in Troutdale Development Code Section 6.1100 as set forth in Attachment A.

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

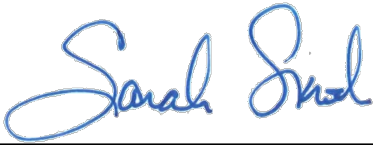
Section 1. Chapter 10 shall be amended as set forth in Attachment B.

**YEAS: 7**  
**NAYS: 0**  
**ABSTAINED: 0**



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**Randy Lauer, Mayor**  
**Date: January 26, 2022**



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**Sarah Skroch, City Recorder**  
**Adopted: January 25, 2022**



## FINDINGS OF FACT

**DATE:** January 25, 2022  
**CASE FILE:** 75-09

With regard to the aforementioned land use case file presented at public hearings conducted by the Troutdale Planning Commission on December 8, 2021 and by the Troutdale City Council on January 11, 2022 and January 25, 2022, the Troutdale City Council adopts the following findings of fact:

### TEXT AMENDMENT (TDC 6.1120)

**A. The proposed change to the Development Code does not conflict with applicable Comprehensive Land Use Plan goals or policies.**

The amendments proposed seek to eliminate ambiguity and improve efficiencies in reviewing and interpreting sign regulations and permitting requirements. They are proposed based upon practical experience of working with the existing sign standards and improvements to the City's technology offerings that can reduce overhead and timeframes for applicants.

The Comprehensive Land Use Plan ("the Plan") does not contain a specific goal that is related to sign standards, however there are several objectives that are established that this amendment is within the spirit and intent of the Plan:

Under General Goals and Objectives in the Introductory section of the Plan, item 14 states "To promote the retention and expansion of existing businesses and the location of new businesses by developing flexible requirements which can accommodate the specific nature of a proposed project." By streamlining permitting processes and providing clear and objective standards in place, the amendments are offering flexible requirements

The proposed text amendment is not in conflict with any other provision in the Plan and further continues the spirit and intent of the Plan by upholding an expectation of an orderly and expected development pattern through local and statewide land use goals. **The criterion is met.**

**B. The proposed change is consistent with the applicable Statewide Planning Goals.**

There are no specific statewide land use planning goals that are directly associated with signs. However, Goal 1 (Citizen Involvement) sets the expectations for communities to engage with their citizens about prospective development and how regulations may affect communities. The amendments proposed herein have stemmed from feedback from applicants and businesses that

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seek more efficiency and greater clarity in the existing standards. These amendments have also been discussed by the Planning Commission in a work session environment in a constructive manner. The proposed text amendment is therefore consistent with applicable Statewide Planning Goals. **The criterion is met.**

**C. The proposed change is consistent with the applicable provisions of Metro Code.**

There are no specific standards in Metro Code that would apply to the proposed amendments. **The criterion is not applicable.**

**D. Public need is best satisfied by this particular change.**

The need to secure a sign permit is often one of the ways the public engages with a local jurisdiction. Efforts that can be made to improve or streamline the process should always be considered, particularly when staffing arrangements or technological improvements are made to allow for such improvements to occur. That is the case with these amendments. The proposal could in many cases reduce an applicant's overall review time and paperwork burden while still largely maintaining the city's existing sign standards.

In certain cases, some of these standards are proposed to be eased, but in each of those cases, the standards are simply being reset to either fulfill an ongoing practice (as is the case with real estate signs or portable sign sizing and placement in the Central Business District) or to provide latitude for a sign to accomplish its purpose of property/business identification without causing undue harm (as is the case with allowing monument signage within setbacks).

As a result of these efforts, the public need for flexibility can be achieved without negatively impacting the purpose of having sign standards, particularly when most of the prevailing standards will remain intact. **The criterion is met.**

**E. The change will not adversely affect the health, safety, and welfare of the community.**

It is not expected that there are health concerns that would be caused by this proposal.

Safety considerations may exist with certain provisions that have been proposed to be added or amended. While the original intent of having monument signage not being placed within front or street-side setbacks was partially intended for safety considerations, the trade-off to that decision has been several requests for variances to allow for signs to encroach the setback or for properties to resort to signs that are difficult to read from a distance. In that case, safety (particularly from those in vehicles) could be impacted by increased attention made to read signs that are difficult to see or otherwise illegible. While there may be a safety risk associated with allowing signs within setbacks,

there are other provisions in the code that require “clear vision” tests be made to ensure that future signage would not be a visual distraction.

Community welfare can be broadly construed, however many in the community have expressed dissatisfaction with certain types of signs, particularly those that move, rotate, or flutter, which can be considered at best a distraction and at worst a nuisance. The proposed amendment would seek to prohibit such signs and allow the City to clearly articulate that those types of conditions are inappropriate for our community.. **The criterion is met.**

## Chapter 10 – 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 rights-of-way, 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:

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. A-frame signs shall not be 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.

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.

Banner Sign. A sign made of fabric or other non-rigid material with no enclosing framework and not qualifying as a flag.

Bench Sign. A sign on an outdoor bench.

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.

Direct Illumination. Exposed lighting or neon tubes on the sign face.

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.

Electronic Display Signs. Signs, displays, devices, or portions thereof with lighted messages that change at intermittent intervals by electronic process or remote control.

External Illumination. The light source is separate from the sign and is directed so as to shine on the sign.

Flags. Any fabric containing colors, patterns, words or symbols, typically oblong or square, attachable by one edge to a pole or anchored at only two (2) corners. If any dimension is more than two (2) times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported.

Freestanding Sign. A sign on a frame, pole, or other support structure that is not attached to any building.

Freeway Sign. A freestanding sign that is located within eight hundred (800) feet south and one thousand (1,000) feet north of the center median of Interstate 84, and that is more than twenty-four (24) feet in height, with a sign face of more than one hundred fifty (150) square feet.

Gross Wall Area. The entire area encompassed by the plane of a wall, including windows and doors.

Height. The vertical distance measured from grade to the highest point of the sign or sign structure.

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.

Inflatable Sign. A sign that consists of a flexible material envelope of non-porous material inflated or shaped from inserted air or other gas.

Internal Illumination Lighting. The light source is concealed within the sign.

Lawn Sign. A temporary pole or wall mounted sign with a sign face area less than three (3) square feet and a maximum height less than three (3) feet from the ground. Lawn signs may not encroach into the right of way or obstruct the visibility for the travelling public and may not be illuminated.

Lighting. Direct, external, or internal illumination.

Maintenance. Normal care needed to keep a sign functional such as cleaning, oiling, and changing light bulbs.

Monument Sign. A freestanding sign of which the entire bottom of the sign is generally in contact with or within three (3) feet of grade.

Permanent Banner Sign. Any banner sign that is not allowed as a temporary sign or that does not qualify as an exempt sign under Section 10.025 of this Chapter.

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 awnings.

Portable Sign. A sign that is freestanding in design, easily movable, made of durable material as opposed to non-durable material such as cardboard, paper, fabric or pliable plastic, and is not affixed to the ground or to any part of a building.

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.

Real Estate Sign. A temporary pole or wall mounted sign that displays that a property or unit within a property is for sale or lease and provides contact information for the seller or an agent of seller.

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.

Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys, or other minor projections.

Roof Sign. Any sign erected upon or over the roof of any building or structure.

Searchlights. An apparatus on a swivel that projects a strong, far-reaching beam of light.

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.

Sign Copy. The message or image conveyed by a sign.

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.

Sign Owner. The owner of the sign structure as determined by looking at the sign or other means as necessary.

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.

Street Frontage. The portion of a site that abuts a public street.

Structurally Altered. Any work, except maintenance work, that alters or changes the size, shape, or height of a sign. Also includes replacement of sign structure materials with other than comparable materials, for example, metal parts replacing wood parts.

Supporting Structure. A structure specifically intended for supporting or containing a sign.

Temporary Sign. A sign that is not permanently attached to a building, structure, or the ground, and that is not intended or designed to be placed permanently. Temporary signs include but are not limited to banner signs, lawn signs, and real estate signs.



Wall Sign. A sign that is attached to, and extended no more than within eighteen (18) inches from a wall, or painted on a wall, of a building.

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, including those exempt from obtaining a sign permit, shall comply with the height limits of the underlying zone, general provisions of this section and, where applicable, with the provisions of Sections 10.025 through 10.055 inclusive. Signs shall not be restricted by content.

- A. **Permits Required.** Except as provided in Section 10.025, Sign Permit Exemptions, of this Chapter, a permit is required to erect, replace, construct, or alter the location or structure of 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.
- B. **Procedure.** An application for a sign permit is not subject to a land use application procedure as established in Chapter 2 of this Code. Sign permits may be applied for, reviewed, and issued in concurrence with building, electrical, or other relevant permits when required by other codes.
- C. **Sign Maintenance.** All signs shall be maintained in a safe condition. Maintenance and repair of a sign, including change of sign copy, shall not require a sign permit. All signs that are damaged and pose a danger to the public shall be repaired or removed.
- D. **Location.**
  1. All signs may be installed within a front yard or street side yard setback of the underlying zoning district, provided that freestanding signs are not located upon any public utility easements or access easements established on a property.
  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, Clear Vision Areas, of this Code, as well as the regulations of this Chapter.
- E. **Construction.** All signs shall comply with any applicable building or electrical code provisions, except as otherwise provided in this Chapter.
- F. **Lighting.** Except as otherwise provided in this Chapter, signs may be externally, internally, or directly illuminated, subject to the following:
  1. 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.
  2. No sign shall be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

3. Strobe lights or similar devices as well as traveling light patterns (“chaser effect”) are prohibited.
  4. Externally illuminated signs shall comply with the requirements of Troutdale Municipal Code, Chapter 8.26, Outdoor Lighting. All externally illuminated signs that measure seven (7) feet or more from the ground level to the top edge of the sign face shall be illuminated from above.
  5. Searchlights may be used only in commercial or industrial zones, provided that:
    - a. An owner or lessee may use a searchlight for up to a maximum of seven (7) days in a calendar year.
    - b. The beam of the searchlight may not flash against any building or sweep on an arc greater than forty-five degrees (45°) from vertical.
  6. Electronic display signs are permitted only as provided in Section 10.050.
  7. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed 300-milliampere rating for white tubing or 100-milliampere rating for any colored tubing.
  8. No exposed reflective type bulb, PAR (parabolic aluminized reflector) spot or incandescent lamp, which incandescent lamp exceeds 250 lumens, shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.
  9. When fluorescent tubes are used for interior illumination of a sign such illumination shall not exceed 800-milliampere rating tubing behind a sign face spaced at least nine (9) inches, center to center.
- G. 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 (1) 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 sign 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 in response to a hazard or danger to the public.
- B. Directional signs, provided that freestanding directional signs shall not exceed five (5) feet in height and fifteen (15) square feet in area on one (1) sign face.
- C. A single sign or historical marker not to exceed four (4) square feet cut into the surface or the facade of a building, or permanently attached and not projecting more than two (2) 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. Signs not exceeding one (1) square foot in size and affixed to or displayed from a residential dwelling unit.
- H. Holiday lights and decorations.
- I. Any inflated sign or inflated device, including multiple inflated signs or devices bundled together, that floats in the air and individually or collectively is five (5) square feet or less in sign face area.
- J. Flags less than twenty-four (24) square feet in size measured border to border.
- K. Lawn signs, provided only three (3) are allowed per lot for not more than ninety (90) consecutive days.
- L. Real estate signs, provided:
  1. Maximum sign area on one face shall not exceed six (6) square feet of sign area in residential zones or thirty-two (32) square feet in commercial and industrial zones.

2. Not more than one (1) sign is allowed per street frontage.
3. Real estate signs shall be removed within fourteen (14) days after the sale or lease of the property has been executed.

### **10.030 Prohibited Signs**

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. Any inflated sign or inflated device, including multiple inflated signs or devices bundled together, that floats in the air and individually or collectively exceeds five (5) cubic feet in area.
- H. Any sign that moves, rotates, revolves, flaps, flutters, or simulates animation, except for flags in accordance with this Chapter.
- I. Any sign that is not exempt, not a lawful nonconforming sign, or that was not erected, constructed, or placed in accordance with a permit.

### **10.035 Signage within Residential Zones**

In addition to exempt signs regulated by Section 10.025, this Section specifies the allowed signs on all land within residential zoning districts as outlined in Chapter 3 of this Code, and on any site within the Town Center Overlay District in commercial zoning districts as outlined in Chapter 3 of this Code where the use of the land is characterized as residential. This Section does not authorize non-exempt signs on residential sites with fewer than six (6) dwelling units.

#### **A. Freestanding Signs**

1. Maximum sign area, on one (1) sign face, shall not exceed thirty-two (32) square feet.
2. Height shall not exceed six (6) feet.
3. Freestanding signs may not be illuminated.
4. One (1) freestanding sign is allowed per street frontage.

## B. Temporary Signs

1. Maximum sign area for a temporary portable sign or temporary freestanding sign, on one (1) face, shall not exceed twelve (12) square feet. Maximum sign area for a temporary banner shall not exceed ninety-six (96) square feet.
2. One temporary sign is allowed per street frontage.
3. Temporary signs shall be valid for a period not exceeding thirty (30) consecutive days from effective date.
4. Temporary signs shall be removed within fourteen (14) days after the election, sale, rental, lease, or conclusion of event. A property shall not have more than four (4) temporary sign permits issued in a calendar year. Temporary signs are not eligible for a permit extension.
5. Temporary signs may not be illuminated.

### 10.040 Signage within Commercial and Industrial Zones

In addition to exempt signs regulated by Section 10.025, the provisions of this Section regulate other allowed signs on all land in commercial and industrial zoning districts as outlined in Chapter 3 of this Code, and any site within residential zoning districts where the use of that land is characterized as non-residential.

#### A. Freestanding Signs

1. A freestanding sign may not exceed one (1) square foot of sign area per linear foot of site frontage, provided the maximum sign face area is not more than one hundred fifty (150) square feet. For calculation purposes, corner signs that face more than one (1) street shall be assigned a site frontage by the applicant. For calculation of leased premises, the frontage shall be the tenant's frontage.
2. Height shall not exceed twenty-four (24) feet.
3. Illumination may be internal, external, or direct.
4. One (1) freestanding sign is allowed per street frontage.

#### B. Wall Signs

1. Maximum sign face area shall not exceed ten percent (10%) 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.
2. Where two (2) 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.
3. The maximum sign area for an individual wall may be distributed among any number of wall signs.

4. The wall sign shall be attached to the wall of the building, shall leave no part of the sign extending above the roofline of the building, and shall be designed as an integral component of the building design.
5. No wall sign shall project more than eighteen (18) inches from the wall to which it is attached.
6. Illumination may be internal, external, or direct.

#### C. Awning Signs

1. Maximum sign area shall not exceed twenty percent (20%) of the awning area.
2. The sign shall be integrated into the design and material of the awning on which it is located.
3. Illumination may be external only.

#### D. Temporary Signs

1. Maximum sign area for a temporary portable sign, wall sign, or freestanding sign, on one (1) sign face, shall not exceed thirty-two (32) square feet. Maximum sign area for a temporary banner shall not exceed ninety-six (96) square feet.
2. One (1) temporary sign is allowed per street frontage.
3. Temporary signs shall be valid for a period not exceeding thirty (30) consecutive days from effective date.
4. Temporary signs shall be removed within fourteen (14) days after the election, sale, rental, lease, or conclusion of event. A property shall not have more than four (4) temporary sign permits issued in a calendar year. Temporary signs are not eligible for a permit extension.
5. Temporary signs may not be illuminated.

#### E. Freeway Signs

1. Maximum sign face area, on one (1) sign face, shall not exceed six hundred seventy-two (672) square feet.
2. Height shall not exceed sixty (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. Illumination may be external only.

#### F. Projecting Signs

1. The maximum sign face area, for an individual projecting sign, shall not exceed four (4) square feet.

2. The lowest portion of a projecting sign shall be no less than seven and one-half (7 ½) feet above the ground beneath the sign.
3. Projecting signs may not be illuminated.
4. One projecting sign allowed per site.

#### G. Portable Signs

1. The sign shall be displayed only during business hours of the business for which it is permitted.
2. The maximum sign face area on one (1) sign face is six (6) square feet.
3. The top of the sign shall not exceed six (6) feet above the ground, except that A-frame signs shall not exceed four (4) feet in height.
4. The sign shall be located within the site boundaries where the business occupant is located.
5. Portable signs may not be illuminated.
6. One portable sign is allowed per business.

### **10.045 Signage within the Central Business District (CBD) and Urban Mixed Use (MU-3) Zones**

In addition to exempt signs regulated by Section 10.025, the provisions of this Section regulate other signs on all land within the CBD and MU-3 zoning districts.

#### A. Wall Signs

1. Maximum sign face area.
  - a. In the CBD zoning district, the maximum sign face area for an individual wall sign shall not exceed thirty-six (36) square feet
  - b. In the MU-3 zoning district, the maximum sign face area shall not exceed ten percent (10%) of the gross wall area of each wall to which the sign is attached or painted upon. In calculating maximum allowable area for a wall sign, each face of a building shall include all window, door, and wall area.
2. The cumulative allowable area of all signs on one wall shall not exceed ten percent (10%) of the gross wall area to which the signs are attached or painted.
3. Where two (2) 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.
4. Illumination may be external only.

## B. Projecting Signs

1. The maximum sign face area, for an individual projecting sign, shall not exceed four (4) square feet.
2. The lowest portion of a projecting sign shall be no less than seven and one-half (7 ½) feet above the ground beneath the sign.
3. Projecting signs may not be illuminated.
4. One projecting sign is allowed per site.

## C. Portable Signs

1. The sign shall be displayed only during business hours of the business for which it is permitted.
2. The maximum sign face area on one (1) sign face is six (6) square feet.
3. The top of the sign shall not exceed six (6) feet above the ground, except that A-frame signs shall not exceed four (4) feet in height.
4. The sign shall be located in one of the following locations:
  - a. Within the boundaries of the site where the business occupant is located.
  - b. In a public right-of-way directly in front of the site where the business occupant is located, provided approval is secured from the agency with jurisdiction over the right-of-way and that placement of the sign shall not interfere with movement of or obstruct visibility for pedestrians and vehicles.
5. Portable signs may not be illuminated.
6. One portable sign is allowed per business.

## D. Temporary Signs

1. Maximum sign area for a temporary portable sign, wall sign, or freestanding sign, on one (1) face, shall not exceed sixteen (16) square feet. Maximum sign area for a temporary banner shall not exceed ninety-six (96) square feet.
2. One (1) temporary sign is allowed per street frontage.
3. Temporary signs shall be valid for a period not exceeding thirty (30) consecutive days from date of approval and shall be removed within fourteen (14) days after the election, sale, rental, lease, or conclusion of event. A property shall not have more than four (4) temporary sign permits issued in a calendar year. Temporary signs are not eligible for a permit extension.
4. Temporary signs may not be illuminated.



### 10.050 Electronic Display Signs

- A. Electronic display signs shall be allowed only in commercial and industrial zones, subject to the provisions of this Chapter. Electronic display signs may be allowed at a Community Service Use in a residential zone subject to a conditional use permit, issued pursuant to Chapter 6.330 of this Code.
- B. One electronic display sign shall be allowed per premises.
- C. The message on an electronic display sign shall change no more than once every ten (10) seconds for signs with an electronic sign face of four (4) square feet or less, and no more than once every two (2) minutes for signs with an electronic sign face greater than four (4) square feet. The change in message or copy may occur instantaneously or may fade or dissolve with a transition time of no more than two (2) seconds between each separate message or display.
- D. Electronic display signs may not be substituted for a nonconforming sign or mounted upon a nonconforming sign or sign structure, unless the sign and sign structure are brought into compliance with all of the provisions of this title.
- E. Lumination.
  - 1. An electronic display sign may not have a nighttime (dusk to dawn) lumination intensity of more than 1000 (nits) and shall not have a daytime (dawn to dusk) lumination intensity of more than 8000 (nits) over ambient light conditions.
  - 2. The sign shall have a mechanism that automatically adjusts the lumination level to comply with the standards in this Section.
- F. Electronic display signs shall be equipped with a means to immediately turn off the display when it malfunctions. The party owning or controlling an electronic display sign shall turn off the sign or lighting within four (4) hours of being notified by the Director or designee that it is not in compliance with the standards of this Section.

### 10.055 Nonconforming and Abandoned Signs

All signs erected after the effective date of this title, which are in violation of any provisions of this Chapter, shall be removed or brought into conformance upon written notice by the Director.

- A. Signs that have been lawfully erected prior to the date this Code 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:
  - 1. No additions or enlargements may be made to a nonconforming sign except those additions or enlargements that are required by law.
  - 2. Signs that are moved, replaced, or structurally altered shall be brought into conformance with this Chapter.
  - 3. A nonconforming sign that is damaged shall not be repaired if the estimated expense of repairing the sign exceeds fifty-percent (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 ninety (90) days of the date the sign was damaged.

4. Whenever a nonconforming sign is damaged and the estimated cost to repair the sign is fifty-percent (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 ninety (90) days of the date the sign was damaged and are diligently pursued thereafter.
- B. A sign shall be deemed abandoned when:
1. The site where the sign is located has been vacated for a period of sixty (60) days or more;
  2. The sign does not have a message or image on the sign face area for a period of sixty (60) days or more; or
  3. The sign has been damaged and there has not been diligent progress in making repairs for a period of sixty (60) days or more.
- C. If a sign is abandoned, the Director shall send notice to the property owner and sign owner, if the Director is able to determine 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 (10) 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 Chapter 2 of this Code.
- D. 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.

#### **10.060 Enforcement of Permanent Signs**

Signs that violate the provisions of this Chapter are deemed a public nuisance. The Director may take any one or more of the following actions to enforce this Chapter: seek a fine pursuant to Chapter 17.110 of this Code, declare the sign a nuisance and proceed pursuant to Municipal Code Title 8, seek declaratory and injunctive relief, revoke the sign permit or any other action authorized by law.

#### **10.065 Enforcement of Temporary Signs**

Enforcement of temporary signs not conforming to regulations of this Chapter shall be subject to the following provisions:

- A. In addition to bringing an action for a violation pursuant to Chapter 17.110 A of this Code for signs located on public utility poles, traffic sign poles, or public property, the Director may order the immediate removal of any temporary sign in violation of the provisions of this Chapter.
  1. If the sign identifies the owner and provides contact information, the Director shall within three (3) business days notify the sign owner of the basis for concluding that the sign is not permitted, that the sign may be retrieved within ten (10) days by paying a twenty dollar (\$20) retrieval fee per sign, and that if not retrieved the sign will be deemed abandoned and will be destroyed. Unless the owner declines to provide an address, the notice shall be in writing and delivered or sent by US Mail.
  2. If the does not contain sufficient information identifying the owner, or contact information, the Director shall hold the sign for thirty (30) days. The owner may retrieve it by paying a twenty dollar (\$20) per sign retrieval fee. If not retrieved within thirty (30) days, the sign shall be deemed abandoned and may be destroyed.
- B. For temporary signs located on privately-owned property in violation of this Chapter, in addition to the enforcement actions in this Section, the Director may bring an action for abatement in accordance with Title 8 of the Troutdale Municipal Code.