

**4.300 Title.**

**This portion of the Gold Beach Business Code shall be known and cited as the City of Gold Beach Sign Code.**

**4.305 Purpose.**

The purposes of this chapter are to:

- protect the health, safety, property and welfare of the public,
- provide for 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,
- minimize adverse visual safety factors to travelers on public highways and on private areas open to public travel, and
- achieve these purposes consistent with state and federal constitutional limits on the regulation of speech.

To achieve these purposes, 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.

**4.310 Definitions.**

For the purposes of the Gold Beach Sign Code, unless the context indicates otherwise: words in the present tense include the future; the singular number includes the plural and the plural number includes the singular; undefined words have their ordinary accepted meaning; and, the following words and phrases mean:

"A-Frame Sign" means a double-faced temporary sign composed of two sign boards attached at the top and separate at the bottom, not permanently attached to the ground.

"Abandoned sign" means a sign or sign structure where:

- A. The sign is no longer used by the person who constructed the sign. Discontinuance of sign use may be shown by cessation of use of the property where the sign is located;
- B. The sign has been damaged, and repairs and restoration are not started within ninety days of the date the sign was damaged, or are not diligently pursued, once started.

"Alter" means to make a change to a sign or sign structure, including but not limited to, changes in area, height, projection, illumination, shape, materials, placement and

location on a site. Altering a sign does not include ordinary maintenance or repair; repainting an existing sign surface, including changes of message or image; or exchanging the display panels of a sign.

"Athletic scoreboard" means a sign erected next to an athletic field by the owner or operator of the field and which is visible to spectators.

"Automobile service station" means a retail place of business engaged primarily in the sale of motor fuels.

"Awning" means a shelter projecting from and supported by the exterior wall of a building constructed of rigid or non-rigid materials on a supporting framework.

"Awning Sign" means a sign attached to or incorporated into an awning.

"Balloon signs" means a sign consisting of a membrane that relies on internal gaseous pressure or a semi-rigid framework for maintaining its form.

"Banner" means a sign made of fabric or other non-rigid material with no enclosing framework.

"Bench sign" means a sign on an outdoor bench.

"Billboard" means a sign on which any sign face exceeds two hundred square feet in area.

"Blanketing" means blocking a pedestrian's or motorist's view of a projecting sign by another projecting sign.

"Boundaries of a site" means the area inside the legal lot lines of a site, not including any property in a public right-of-way.

"Building elevation area" means the area of a single side of a building, measured in square feet and calculated by multiplying the length of the side of the building by the height of the building to the roof line. If the roof line height varies along the side of the building, the average of the lowest and highest roof line height on that side shall be used in the calculation.

"Building frontage primary" means the ground floor lineal length of a building wall that faces a street, driveway, parking lot, courtyard or plaza and has an entrance or exit open to the general public.

"Building frontage secondary" means the ground floor lineal length of a building wall that faces a street, driveway, parking lot, courtyard or plaza and does not have an entrance or exit open to the general public.

"Building official" means the City Administrator or the City Administrator's designee.

"Bulletin board" means a permanent sign providing information in a horizontal linear format, that can be changed either manually through placement of letters or symbols on tracks mounted on a panel, or electronically, through use of an array of lights in a dot matrix configuration, from which characters can be formed.

"Canopy" means a permanent roofed structure which may be freestanding or attached to a building, but which is not a completely enclosed structure or awning.

"Changing Image Sign" means a sign that through the use of:

- moving structural elements,
- flashing or sequential lights,
- lights in a dot matrix or LED configuration, which may be changed intermittently,
- or other automated method, results in movement, the appearance of movement, or change of sign image, message, or display.

"Clearance" means the distance between the average grade below a sign to the lowermost portion of the sign.

"City" means the City of Gold Beach.

"City Engineer" means the City Administrator or the City Administrator's designee.

"City Administrator" means the City Administrator or the City Administrator's designee.

"City Recorder" means the City Administrator or the City Administrator's designee.

"Community event" means an activity or event identified as such by the city council.

"Dwelling" means any building that contains one or two dwelling units used, intended, or designed to be built, used, leased, let or hired out to be occupied, or that are occupied for living purposes. (2008 Oregon Residential Specialty Code)

"Filing" means depositing a document in the United States mail, postage prepaid and accurately addressed to the City, or leaving a copy with the City Recorder at City Hall during work hours. For purposes of this chapter, a document is "filed" on the date it is received at City Hall.

"Fire Marshal" means the Fire Marshal or their designee.

"Flag" means a rectangular piece of fabric of distinctive design that is displayed hanging free from a staff, halyard or building to which it is attached. A flag is often used for but is not limited to the display of the symbol of the United States, a nation, state, local government, business, organization or a person.

"Flashing Sign" means a sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source.

"Freestanding sign" means a sign wholly supported by integral pole(s), post(s), or other structure or frame, the primary purpose of which is to support the sign and connect it to the ground. Examples include monument signs and pole signs. A freestanding sign does not include a portable sign.

"Grade" For freestanding signs, "grade" is the average level of the ground measured five feet from either end of the base of the sign, parallel to the sign face. For signs mounted on buildings, the grade is the average level of the sidewalk, alley or ground below the mounted sign measured five feet from either end of the sign face.

"Ground-mounted sign" means a freestanding sign with a minimum of twelve inches of vertical solid base directly and continuously connected to at least fifty percent of the sign face width or, is borne by two or more supports which are a minimum of twelve inches but less than eight feet above grade.

"Handheld sign" means a hand-carried sign of six square feet or less in area, worn or carried by a person when being displayed.

"Hearing Body" means the Planning Commission or City Council of the City.

"Height" means the vertical distance measured from grade to the highest attached component of a sign including the supporting structure.

"Historical or landmark marker" means a sign constructed in close proximity to a historic place, object, building, or other landmark recognized by an official historical resources entity, where the sign is constructed by the owner of the historic property and does not exceed twenty square feet in size.

"Historical sign" means a sign designated as a historic or cultural resource under city, state or federal law or a sign that is an historical element of an historical landmark.

"Illuminated sign" means a sign illuminated by an internal light source or an external light source primarily designed to illuminate the sign. The illumination is "external" when the light source is separate from the sign surface and is directed to shine upon the sign and "internal" when the light source is contained within the sign, but does not include signs where the text or image is composed of dot matrix or LEDs. External illumination is "direct" when the source of light is directly seen by the public, such as a floodlight, and "indirect" when the source of light is not directly seen by the public, such as cove lighting.

"Interior sign" means a sign erected and maintained inside of a building, including, but not limited to, a sign attached to or painted on the inside of windows. This definition does not

include text, pictures, graphics, or similar representations in display windows.

"Lawn Sign" means a temporary freestanding sign made of lightweight materials such as cardboard or vinyl that is supported by a frame, pole or other structure placed directly in or upon the ground without other support or anchor.

"LED" means a semiconductor diode that converts applied voltage to light and is used in digital displays.

"Lot" means a single unit of land that is created by a subdivision of land.

"Maintenance" means normal care or servicing needed to keep a sign functional or perpetuate its use, such as cleaning, replacing or repairing a part made unusable by ordinary wear, and changing light bulbs.

"Marquee" means a permanent roofed structure attached to or supported by a building.

"Menu board" means a sign placed at the beginning of a drive-up service lane of a food service establishment that includes a two-way speaker system for taking food orders.

"Monument sign" means a freestanding sign that is placed on a solid base that extends a minimum of 12 inches above the ground and extends at least 75 percent of the length and width of the sign. The above ground portion of the base is considered part of the total allowable height of a monument sign.

"Name plate" means a permanent wall sign located on the front facade of a residential structure.

"Neon sign" means a sign internally illuminated by a light source consisting of neon or other gas contained in a tube, except for fluorescent lights.

"Nonconforming sign" means a sign that was lawful when it was constructed but does not meet the requirements of the Gold Beach Sign Code. When a sign permit is granted prior to the effective date of the ordinance codified in this chapter that complies with then existing requirements, the sign is conforming if it is erected within ninety days of the effective date of the ordinance codified in this chapter.

"Owner" means the person owning title to real property on which a sign is located, or the contract purchaser of the real property as shown on the last available complete assessment roll in the office of county assessor. "Owner" also includes the owner of a sign who has an existing lease of the real property on which the sign is located.

"Pennant" means a sign device made from a strip of flexible material intended to wave in the wind.

"Person" means every individual, firm, partnership, association, or corporation.

"Planned unit development" means a tract or tracts of land developed as a planned unit

development under city zoning / development ordinances.

"Pole sign" means a sign that is a freestanding sign connected to the ground by one or more supports with the lower edge of the sign separated vertically from the ground by a distance of eight (8') feet or greater as measured from grade.

"Portable sign" means a sign which is not affixed to a building or other structure, or the ground in a permanent manner and is designed to be moved from place to place. Portable signs include, but are not limited to, A-frames, banners, flags, pennants, balloons, blimps, streamers, and lawn signs.

"Principal use" means a nonresidential use of property by an owner or lessee. Multiple principal uses may be located on a lot or development.

"Projecting sign" means a sign, other than a wall sign, that projects from, and is supported by or attached to a roof or wall of a building or structure.

"Public right-of-way" means travel area dedicated, deeded or under control of the City or other federal, state, or local government entity, including but not limited, to highways, public streets, bike paths, alleys and sidewalks.

"Public sign" means a sign erected, constructed, or placed within the public right-of-way or on public property by or with the approval of the governmental entity having authority over, control of, or ownership of the right-of-way or public property.

"Repair" means mending or replacing broken or worn parts with comparable materials.

"Roof elevation area" means the area of a single plane of a roof, measured in square feet and calculated by multiplying the difference between the height of the ridge and the height of the eave by the distance between opposing rakes.

"Roof line" means the top edge of a roof or a building parapet, whichever is higher, excluding any cupolas, chimneys or other minor projections.

"Roof sign" means a sign erected upon, against, or over the roof of any building or structure.

"Seasonal Holiday decorations" means every type of decoration displayed during and around a federally recognized holiday or on a seasonal basis, whether illuminated or not, and whether attached to utility poles, buildings or any other structure.

"Setback" means the horizontal distance from the property line to the sign, measured at the closest points of the sign to the property line.

"Sign" means any writing, video projection, illumination, pictorial representation, illustration, decoration, emblem, symbol, design, trademark, banner, flag, pennant, captive

balloon, streamer, spinner, ribbon, sculpture, statue, or any other figure or character that:

1. Is a structure or any part thereof (including the roof or wall of a building); or
2. Is written, printed, projected, painted, constructed, or otherwise placed or displayed upon or designed into a structure or an outdoor screen or monitor, or a board, plate canopy, awning, marquee, or a vehicle, or upon any material object, device, or surface whatsoever; and
3. Communicates, or is designed to communicate on any subject whatsoever. The scope of the term "sign" does not depend on the content of the message or image being conveyed.

It is a rebuttable presumption that a graphic, mural or art work that depicts or relates to the use of a site or structure on which it is displayed, is intended to communicate an informational message about the site or structure.

"Sign area" means the area of the sign measured within lines drawn between the outermost points of a sign, but excluding essential sign structure, foundations, or supports.

"Sign band" means a continuous horizontal band located on a facade where there are no doors, windows or other architectural features.

"Sign copy" means the message or image conveyed by a sign.

"Sign face" means the sum of the surfaces of a sign face as seen from one plane or elevation included within the outer dimensions of the sign board, frame or cabinet.

"Sign height" means the average level of the grade below the sign to the topmost point of the sign including the supporting sign structure, foundations, and supports.

"Site" means the area, tract, parcel, or lot of land owned by or under the lawful control of an owner. Abutting platted lots under the same ownership shall be considered one site.

"Street frontage" means the length or width of a site, measured along a line separating the site from a street or public right-of-way.

"Structure" means that which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground.

"Subdivision" means a site with four or more lots.

"Supporting structure" means a structure specifically intended for supporting or containing a sign.

"Suspended sign" means a sign suspended from the underside of a canopy, awning, eave, or marquee.

"Temporarily attached" means attached to a building, structure, vegetation or the ground in a manner that is easily removable.

"Temporary sign" means a sign that is temporarily attached to a building, structure, vegetation, or the ground. Temporary signs include, but are not limited to, A-frames, banners, flags, pennants, balloons, blimps, streamers, lawn signs and portable signs. Temporary signs may be displayed for not more than sixty (60) days total in a calendar year.

"Transportation system plan (TSP)" means that portion of the city of Gold Beach Comprehensive Plan that implements the State of Oregon Transportation Planning Rule OAR 660-012.

"Tri-vision sign" means a sign that contains display surfaces composed of a series of three-sided rotating slates arranged side by side, either horizontally or vertically, that are rotated by an electro-mechanical process, capable of displaying a total of no more than three separate and distinct messages, one message at a time, provided that the rotation from one message to another message is no more frequent than every eight seconds and the actual rotation process is accomplished in four seconds or less.

"Unlawful Sign" means a sign that does not conform to the provisions of this Code and is not a non-conforming sign.

"Utility Sign" means a sign constructed or placed by a public utility on or adjacent to a pole, pipe, or distribution facility of the utility and within the public right-of-way or a utility easement.

"Vehicle sign" means a sign placed in or attached to the motor vehicle, trailer, railroad car, or light rail car that is used for either personal purpose or is regularly used for purposes other than the display of signs.

"Video sign" means a sign providing information in both a horizontal and vertical format (as opposed to linear), through use of pixel and sub-pixel technology having the capacity to create continuously changing sign copy in a full spectrum of colors and light intensities.

"Vision clearance area" means a triangular area on a site at the intersection of two streets or a street and a railroad, alley, or driveway. The vision clearance area shall be measured 25' from each corner to make a triangle. Within the triangle signs must be no more than 30' above ground, or greater than 8' tall.

"Wall sign" means a sign that is painted on a wall of a building, or a sign attached to the wall of a building and extending no more than twelve inches from a wall, or attached to or erected against a roof with a slope not more than 20 degrees from vertical, with the

exposed face of the sign in a plane that is vertical or parallel to the plane of that roof, and which does not project more than 8 inches from the wall or roof. Window signs that are permanently attached to the outside of a window are wall signs.

"Window sign" means a sign attached to, or painted on a window, or displayed inside the building within 61 inches of a window or building openings so that it is viewable from the outside of the building.

"Zoning ordinance" means the City of Gold Beach Zoning Ordinance.

#### **4.320 General requirements.**

A. Except as provided in Section 4.325 of this chapter, no person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the Gold Beach Sign Code.

B. Except as provided in Section 4.340 of this chapter, no person shall erect, construct or alter a sign, or permit the same to be done, unless a sign permit has been issued by the city. A sign permit for the construction and continued use of a sign is subject to the terms and conditions stated in the permit and to the Gold Beach Sign Code.

C. An application for sign permit approval is subject to the procedures set forth in Section 4.3.125 of this chapter.

D. No owner shall erect or construct a sign on a site that contains unlawful signs.

E. The Gold Beach Sign Code shall not be construed to permit the erection or maintenance of any sign at any place or in any manner unlawful under any other city code provision or other applicable law. In any case where a part of the Gold Beach Sign Code conflicts with a provision of any zoning / development, building, fire, safety or health ordinance or code, the provision which establishes a stricter standard for the protection of the public health and safety shall prevail.

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

G. If any section, subsection, paragraph, sentence, clause or phrase of the Gold Beach Sign Code is declared invalid for any reason by a court having jurisdiction under state or federal law, the remaining portions of this chapter shall remain in full

force and effect.

**4.325 Exempt signs.**

Except for signs prohibited by this chapter, the following signs are exempt from the provisions of the Gold Beach Sign Code:

- A. All signs which are placed inside a structure or building, and which are either not visible through windows or building openings, or are not intended to be visible from outside of the structure or building.
- B. Community bulletin board.

**4.330 Prohibited signs.**

Except for nonconforming signs, the following signs are unlawful and are nuisances:

- A. Abandoned signs;
- B. Billboards;
- C. Video signs;
- D. Any sign constructed, maintained or altered in a manner not in compliance with the Gold Beach Sign Code;
- E. Any sign which, by reason of its size, location, movement, coloring or manner of illumination may be confused with or construed as a traffic control device or which hides from view any traffic control device;
- F. Any sign constructed in such a manner or at such a location that it will obstruct access to any fire escape or other means of ingress or egress from a building or an exit corridor, exit hallway or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire;
- G. Any sign located in a manner which could impede traffic on any street, alley, sidewalk, bikeway or other pedestrian or vehicular travel way;
- H. Any sign equipped with moving, rotating or otherwise animated parts, except for athletic scoreboards permitted under Section 4.340;
- I. Any sign that is wholly or partially illuminated by a flashing or intermittent light, lights, lamps, bulbs, laser, or tubes. Rotary beacon lights, zip lights, strobe lights, or similar devices shall not be erected or maintained, or attached to or incorporated in any sign;
- J. Any nonpublic sign within the vision clearance area.
- K. Any sign attached to a tree or a plant, a fence or a utility pole, except as otherwise allowed or required by the Gold Beach Sign Code or other chapters of the

City Code;

- L. Any sign within or over any public right-of-way, or located on private property less than two (2) feet from any area subject to vehicular travel, except for:
  - 1. Public signs, (includes banners over the public right-of-way, with the approval of the controlling jurisdiction).
  - 2. Temporary signs specifically allowed within the public right-of-way under Section 4.345 of this chapter;
- M. Temporary signs, including banners, pennants, and wind signs, except as authorized by Section 4.340 or 4.345 of this chapter.
- N. Unlawful signs.
- O. Any sign which is judicially determined to be a public nuisance.
- P. Roof signs.
- Q. Changing image signs.

**4.335 Nonconforming signs.**

- A. Nonconforming signs may continue in use, subject to the restrictions in this subsection:
  - a. No additions or enlargements may be made to a nonconforming sign except those additions or enlargements that are required by law and to bring the sign into compliance.
  - b. A sign that is moved, replaced, or structurally altered shall be brought into conformance with this chapter, except that:
    - (1) Nonconforming signs may be repaired and maintained and may have the sign copy changed. A sign may be removed from its sign structure for repair or maintenance if a permit is obtained under this chapter.
    - (2) Nonconforming signs may be structurally altered when the alteration is necessary for structural safety.
    - (3) Nonconforming signs may be reconstructed if required to be moved for construction or repair of public works or public utilities and the sign reconstruction is completed within ninety days after the completion of the public works or public utility construction or repair.
  - c. A nonconforming sign that is damaged shall not be repaired if the estimated expense to repair the sign exceeds fifty percent 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 days of the date the sign was damaged. As used herein, "nonconforming sign" includes the sign structure, foundation and supports.

d. Whenever a nonconforming sign is damaged and the estimated cost to repair the sign is fifty percent 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, provided that such repairs and restoration are started within ninety days of the date the sign was damaged and are diligently pursued thereafter.

e. Whenever repairs and restoration of a damaged nonconforming sign are not started within ninety days of the date the sign was damaged or are not diligently pursued once started, the sign shall be deemed abandoned.

f. Abandoned signs shall not be permitted as nonconforming signs.

g. No nonconforming sign shall be permitted to remain unless properly repaired and maintained as provided in this chapter. A sign maintained in violation of this provision shall be removed as provided in Section 4.3160 of this chapter. Any nonconforming sign that is determined by the building official to be an unsafe sign shall be removed as provided by Section 4.3165 of this chapter. Any nonconforming sign determined by the Planning Director to be an abandoned sign shall be removed as provided in Section 4.3170 of this chapter.

B. Nothing in this section shall be deemed to prevent the maintenance of any sign, or regular manual changes of sign copy on a sign.

C. Continuation of Non-Conforming Sign as Public Nuisance; Removal and Abatement. All non-conforming signs shall be brought into conformance within seven (7) years of the adoption of this code.

The continuation of any nonconforming sign beyond the time period(s) set forth in Subsection A of this Section may be removed in accordance with the procedures outlined in section 4.3160.

#### **4.340 Exemptions from requirement for permit.**

The following signs are allowed in all zones without a permit. Use of these signs does not affect the amount or type of signage otherwise allowed by this chapter. The painting, repainting, cleaning, maintenance and repair of an existing sign shall not require a permit, unless a substantial structural alteration is made. The changing of a sign copy or message shall not require a permit. All signs listed in this section are subject to all other applicable requirements of the Gold Beach Sign Code.

A. Signs (including but not limited to name plates and dates of erection of buildings) on multifamily residential, commercial, industrial, or institutional buildings when the sign is cut into the surface or the facade of a building, or when it is constructed of stone, masonry, bronze or other noncombustible material and

projects no more than two inches from a building, so long as the cumulative sign face(s) are eight square feet or less in area;

B. One indirectly illuminated or non-illuminated sign not exceeding one and one-half square feet in area placed on any non-multifamily residential lot. This type of sign is typically used as a name plate;

C. Flags;

D. Vehicle signs;

E. Signs displayed upon a bus or light rail vehicle owned by a public transit district;

F. Historical sign or historical or landmark markers;

G. Seasonal holiday decorations on private property;

H. Handheld signs;

I. A sign up to six square feet constructed or placed within a parking lot. These signs are typically used to direct traffic and parking;

J. Any public notice required by federal, state or local law, regulation or ordinance,

K. Signs within the public right-of-way that are erected by a governmental agency, utility or contractor doing authorized work within the right-of-way;

L. A sign that does not exceed eight square feet in area and six feet in height, and is erected on property where there is a danger to the public or to which public access is prohibited;

M. Non-illuminated interior signs in nonresidential zones designed primarily to be viewed from a sidewalk or street provided the sign does not obscure more than twenty-five percent of any individual window;

N. Illuminated interior signs in nonresidential zones designed primarily to be viewed from a sidewalk or street, provided the sign face is less than four square feet in area;

O. One suspended sign for each principal use erected on property which is not considered public right-of-way, under an attached first floor awning or canopy upon a building with direct exterior pedestrian access, provided the sign does not exceed six square feet in area and has a minimum of eight feet of clearance;

P. An exterior sign erected next to an entrance, exit, rest room, office door, or telephone, provided the sign is no more than four square feet in area. This type of sign is typically used to identify and locate a property feature;

Q. Signs located within a sports stadium or athletic field, or other outdoor assembly area which are intended for viewing by persons within the facility. The signs shall be placed so as to be oriented towards the interior of the field and the viewing stands;

R. Signs incorporated into vending machines or gasoline pumps;

S. Temporary signs as allowed under Section 4.345 of this chapter;

- T. Public signs.
- U. Utility signs.
- V. Signs for hospital or emergency services.
- W. Signs as an architectural feature of a building above an entry door. Letters can be 12" high and the sign can be up to 8' long. (i.e. The Smith Building 1932)

**4.345 Temporary signs.**

A. Temporary signs may be erected and maintained in the city only in compliance with the regulations in this chapter, and with the following specific provisions:

1. Except as approved in a comprehensive sign plan and in connection with a community event, no temporary sign shall be internally illuminated or be illuminated by an external light source primarily intended for the illumination of the temporary sign.
2. A temporary sign shall be attached to the site or constructed in a manner that both prevents the sign from being easily removed by unauthorized persons or blown from its location and allows for the easy removal of the sign by authorized persons.
3. Except as provided in this code, temporary signs shall not be attached to trees, shrubbery, utility poles or traffic control signs or devices.
4. No temporary sign shall be erected or maintained which, by reason of its size, location or construction constitutes a hazard (including but not limited to moving/spinning parts that could injure or block traffic vision) to the public.

B. In any residential or commercial zone, the following temporary signs shall be allowed on a lot without issuance of a permit and shall not affect the amount or type of signage otherwise allowed by this chapter. This signage shall not be restricted by content, but is usually and customarily used to advertise real estate sales, political or ideological positions, garage sales, home construction or remodeling and similar activities. Signage shall be allowed for each lot as follows:

1. Signs not exceeding six square feet in area or four feet in height during the period from ninety (90) days before a public election or the time the election is called, whichever is earlier, to five days after the public election.
2. One temporary sign not exceeding six square feet in area and four feet in height which is erected for a maximum of eight days in any calendar month and is removed by sunset on any day it is erected.
3. A sign not exceeding six (6) square feet in area and four (4) feet in height during the time of sale, lease or rental of the site provided that the sign is removed within fifteen days of the sale, lease or rental of the site.
4. A sign not exceeding six square feet in area and four (4) feet in height during the time of construction or remodeling of the property. The sign shall

be removed within seven days of the completion of any construction or remodeling. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously. In no case shall the sign or signs be erected for more than twelve months.

5. On property which has received subdivision or development approval from the city, from that approval until issuance of a building permit for the last lot to be sold or completion of the development project, one temporary sign not exceeding thirty-two square feet in area and six (6) feet in height on properties less than four acres in size or two temporary signs not exceeding thirty two (32) square feet in area each and six (6) feet in height on properties greater than four acres in size.

6. A sign not exceeding thirty-two square feet in area during the period of charitable fundraising event being conducted on the property where the sign is erected by a charitable or nonprofit organization. This sign shall not be erected more than seven days prior to the event and must be removed within two days following the event.

7. Banner Signs: one banner sign shall be permitted for each principal use and shall be limited to a display period of a maximum of thirty consecutive days twice during the calendar year. Maximum sign area shall not exceed thirty two (32) square feet, as calculated pursuant to Section 4.380(A) of this chapter.

C. No temporary signs or banners shall be allowed in the public right-of-way or on public property, except for those listed in this subsection.

1. No temporary sign in the right-of-way shall interrupt the normal flow of vehicle, pedestrian or bicycle traffic. All temporary signs located in the right-of-way shall provide a minimum of five feet of clear passage for pedestrians on a sidewalk where a sidewalk exists. No temporary sign shall extend into a vision clearance area.

2. The following temporary signs shall be permitted in the right-of-way without issuance of a permit and shall not affect the amount or type of signage otherwise allowed by this chapter::

a. Signs owned or erected by a governmental entity;

b. Signs on public sidewalks in all zones which comply with the following standards:

1. Signs placed on the sidewalk within the first three feet behind the curb, and

2. Signs present only during the business hours of the responsible enterprise, and

3. Signs placed elsewhere than directly adjacent to the responsible enterprise shall be placed only with the written consent of the property owner of the adjacent property. No Sign Code section of the Business Code

more than two temporary signs shall be placed in the public right-of-way adjacent to any property frontage on a single street;

- c. Portable signs limited to a maximum of six square feet in area and three feet in height, displayed only on weekends and holidays, placed at street intersections in relative close proximity to a property for sale or lease during the time of that display. One single sign for each property or development shall be permitted at each intersection and shall be positioned as to be no closer than two feet from areas subject to vehicular travel;
  - d. Bench signs located at mass transit stops so long as the bench sign copy does not exceed fifteen square feet and the bench sign is approved by the owner;
  - e. Signs attached to mass transit shelters which are approved by the mass transit agency and the owner.
3. Temporary banners or seasonal holiday decorations which extend over a roadway or are attached to utility or streetlight poles shall be permitted in the right-of-way upon issuance of a permit in accordance with the procedures set out in Sections 4.3125 and 4.3135 of this chapter and shall comply with the following standards:
- a. Banners or decorations which extend over a roadway shall not exceed sixty square feet in area. Banners which are attached to a single utility or streetlight pole shall not exceed twelve square feet in area.
  - b. Temporary banners or decorations shall be permitted only if the applicant is conducting an event or activity in the city of Gold Beach that has been identified as a community event by the Gold Beach City Council, or for purposes of identifying a geographic area or district of the city. Applications for geographic identification banners shall be submitted by an organized neighborhood association, or shall be accompanied by a petition indicating the consent of at least fifty-one percent of the property owners or retail establishments in the geographic area delineated on the banner application.
  - c. Applicants requesting permits for temporary banners or decorations in city of Gold Beach right-of-way shall obtain all permits and approvals as outlined in Chapter 4.345(D) of this Code prior to submittal of an application for a sign permit. Applicants requesting temporary banners placed over rights-of-way controlled by agencies other than the city of Gold Beach shall obtain written consent from the appropriate agency regarding the proposed banner(s) prior to submittal of an application for a sign permit to the City of Gold Beach. The consent shall identify any restrictions desired by the owner of the right-of-way.

- d. Except for a banner(s) identifying a geographic area or district of the city, banner(s) shall be removed within two days of the applicant's event or activity giving rise to the permit.

#### **4.360 Permitted Sign Types, Number & Area**

In addition to the temporary and permanent signage allowed without permits, the following signage is allowed subject to the requirements of this chapter:

##### **A. Permitted Sign Types, Number and Area.**

Signs within the City of Gold Beach are limited as follows and require the issuance of permits under Section 4.3130 of this chapter:

1. Monument or Ground-Mounted Signs.
  - a. For principal uses, one single- or double-faced monument or ground-mounted sign shall be permitted for each lot along the primary street frontage. Where a use has multiple street frontages, this signage may be permitted along each frontage building frontage that abuts an arterial or collector street. Sign area shall not exceed forty square feet for each sign face.
  - b. Major or Minor Business Complex. Monument signs in major or minor business complexes shall be permitted in accordance with the comprehensive sign plan provisions contained in Section 4.3110 of this chapter.
  - c. For churches, schools, and public/semipublic facilities, one single- or double-faced monument sign shall be permitted for each such facility. Where such a facility has multiple street frontages, this signage may be permitted on each frontage. Sign area shall not exceed forty square feet for each sign face.
2. Pole Signs.
  - a. For major or minor business complexes, pole signs shall be permitted in accordance with the comprehensive sign plan provisions contained in Section 4.3110 of this chapter.
3. Wall Signs.
  - a. For a principal use, the total sign face area for all building-mounted wall signs, including multiple signs for multiple tenants, shall not exceed 75 square feet.
  - b. For major or minor business complexes, wall signs are permitted in accordance with the provisions of this section and the comprehensive sign plan provisions contained in Section 4.3110 of this chapter.
4. Awning Signs.
  - a. For principal uses, the total sign face area for awning signs and wall signs shall not exceed twelve percent of the building elevation area on the primary frontage, with a maximum sign face area of one hundred

twenty square feet. Where the use has multiple frontages, the signage on secondary building frontages shall not exceed eight percent of the building elevation area, with a maximum sign face area of sixty square feet. For principal uses, one or more projecting signs shall be permitted per use. Maximum sign area shall not exceed twenty square feet.

**4.370 Measurements.**

The following shall be used in measuring a sign to determine compliance with this chapter:

A. Sign Area.

1. Sign area shall be measured within lines drawn between the outermost dimensions of the frame or cabinet surrounding the display area containing the sign copy. When signs are not framed or on a base material and are inscribed, painted, printed, projected or otherwise placed upon, or attached to a building, canopy, awning or part thereof, the sign area is the smallest possible space enclosing the sign copy that can be constructed with straight lines. Where a sign is of a three-dimensional, round, or irregular solid shape, the largest cross-section shall be used in a flat projection for the purpose of determining sign area.
2. The area of all signs in existence at the time of enactment of the ordinance codified in this chapter, whether conforming or nonconforming, shall be counted in establishing the permitted sign area.
3. When signs are constructed in multiple separate pieces containing sign copy, sign face area is determined by a perimeter drawn in straight lines, as small as possible, around all pieces.

B. Height.

1. Height of sign above grade is measured from the average level of the grade below the sign to the topmost point of the sign including the supporting structure.
2. Where there is a limitation on the size of lettering, the lettering shall be measured cumulatively in height. See graphic below.

C. Clearance.

Clearance is measured from the average grade below the sign to the lowermost point of the sign.

D. Spacing.

1. For the purpose of applying spacing requirements to signs, distances shall be measured parallel to the centerline of the adjacent street or highway.
2. The sign or sign location under consideration shall be included as one sign.
3. A back-to-back sign is counted as a single sign for the purpose of

spacing distances.

**4.380 Projecting signs.**

An otherwise authorized sign shall be permitted to project over public right-of-way if the sign meets all of the following requirements:

- A. The sign is attached to the face of a building where the building face is located within five feet of the property line abutting a street.
- B. No external cross braces, guy wires, trusses, or similar bracing systems are used in constructing the sign.
- C. The sign extends no more than eight (8') feet from the building face and shall be no less than fifteen (15) feet above the ground under the projecting sign.
- D. The sign does not project above the roof line or parapet wall, whichever is higher.
- E. Projecting signs shall conform to all provisions of this section which are designed to provide safe minimum clearance along public sidewalks and streets. The sign must have a minimum of eight (8') feet clearance from the ground. The outer edge of the projecting sign must be set back a minimum of two feet from the curb line.

**4.390 Wall signs.**

- A. A wall sign shall not project more than eighteen inches from the wall to which it is attached. A wall sign located on an alley frontage shall not project more than twelve inches from the wall to which it is attached and shall have eight (8') feet of vertical clearance.
- B. A wall sign shall not project above the roof line, or top of the parapet wall, whichever is higher.
- C. No external braces, guy wires, "A" frames, or similar bracing systems shall be used in constructing a wall sign.
- D. The height of a wall sign attached to the end or face of a marquee shall not exceed thirty (30) inches. The lower edge of this sign shall not extend below the marquee.
- E. Wall signs on mansard roofs of thirty degrees or less may be installed vertically if solid background is used.
- F. Wall signs shall be placed within the sign band.

**4.3100 Freestanding signs.**

- A. No part of a freestanding sign shall be erected or maintained within three feet of a street front property line, or within five feet of a side lot line, unless the application for the permit has been reviewed by the Fire Chief and the Fire Chief has determined that the location of the sign does not interfere with adequate fire access to

any property.

B. No part of a freestanding sign shall project or extend into any public right-of-way.

C. Except as provided in this subsection, no freestanding sign shall project or extend into any vision clearance area. One or two sign poles supporting a freestanding sign may be located within the vision clearance area if they are necessary for the support of the sign, and if no other portion of the sign is located within the vision clearance area between two feet and ten feet overgrade and poles or posts not to exceed 12” in diameter.

D. A freestanding sign shall be directly supported by poles or foundation supports in or upon the ground. No external cross braces, guy wires, "T" frames, "A" frames, "trusses," or similar bracing systems shall be used to buttress, balance, or support a freestanding sign.

E. Only one freestanding sign is allowed for each street frontage, unless multiple signs are approved through a comprehensive sign plan.

F. A minimum of nine feet in clearance is required in areas accessible to vehicles. The lowest point of these signs may be less than nine feet above grade in areas not accessible to vehicles when the signs are protected from physical damage by the installation of bumper poles or other ground protections.

**4.3110 Awning signs.**

A. Awning signs are permitted only as an integral part of the awning to which they are attached or applied.

B. The awning supporting structure shall maintain a clearance of eight feet.

C. An awning shall not extend to within two feet from the curb. An awning shall not project above the roof line.

D. The awning sign shall extend no more than eight feet from the building face.

**4.3120 Comprehensive sign plan.**

A comprehensive sign plan provides a means for defining common sign regulations for multi-tenant projects by providing incentives in the design and display of multiple signs. A comprehensive sign plan shall be required for all major business complexes and may be submitted for minor business complexes, industrial and research business complexes, and institutional uses. An application for a comprehensive sign plan approval shall be filed at the time permits for permanent signs on the property are sought. If a sign is for a development that requires development review under Gold Beach Zoning / development Ordinance Sections 133 and 136, then the sign shall be reviewed as part of the development review process prior to approval of a sign permit. The plan shall be reviewed under the procedures set out in Section 4.3125 of this chapter. A decision on the plan application is subject to review under the procedures set out in Section 4.3135 of this chapter.

A. An application for a comprehensive sign plan shall include the following

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information:

1. The location of all wall, projecting, monument, and freestanding signs;
  2. A description of the signs including construction materials, color scheme, unifying design elements, and any proposed lighting;
  3. An itemization of sign sizes including height and area at all identified sign locations;
  4. The location of any area designated for temporary signs, and documentation of the means by which such signs may be illuminated if approved.
- B. A comprehensive sign plan shall comply with the following standards:
1. The signs and the signs together with the architectural style of structures in the business complex shall share common design elements. The content of any sign message shall not be considered in determining whether common design elements are present.
  2. The comprehensive sign plan shall accommodate future revisions that may be required because of changes in principal uses or tenants; and
  3. The comprehensive sign plan shall comply with the standards of this chapter, including any special allowances for sign area, number, location, and height provided for in this section.
- C. Wall signs in a comprehensive sign plan shall meet the following requirement:
1. The allowed sign area shall be the amount authorized in the relevant zone.
- D. Freestanding signs and monument signs in minor business complexes shall meet the following requirements:
1. One freestanding sign shall be permitted for the entire complex. The maximum height of such sign shall be fifteen (15) feet. The maximum area of this sign shall be one hundred square feet for a single-faced sign and two hundred square feet for a double-faced sign.
  2. One monument sign shall be permitted on each pad site or lot located within the minor business complex. The sign shall not exceed six feet in height and thirty-two square feet in area for a single-faced sign and sixty-four square feet in area for a double-faced sign.
- E. Where development review is accomplished through the approval of a development permit for a commercial or industrial building or site, a comprehensive sign plan shall be included with the conceptual drawings, illustrations and building elevations and shall address the standards contained in this chapter. The sign plan shall be reviewed and approved by the Planning Commission in association with building and site design, as a part of the development permit review process using the standards set out in this section.

**4.3130 Construction and maintenance standards.**

- A. All permanent signs shall be constructed and erected in accordance with the requirements of the Uniform Building Code.
- B. All illuminated signs must be installed by a state-licensed sign contractor, subject to the requirements of the State Electrical Code. All electrically illuminated signs shall be listed, labeled, and tested by a testing agency recognized by the state of Oregon.
- C. Building and electrical permits shall be the responsibility of the applicant. Prior to obtaining building and electrical permits, the applicant shall obtain a sign permit or demonstrate an exception from the permit requirements of this chapter.
- D. 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. All signs and the site upon which they are located shall be maintained in a neat, clean, and attractive condition. Signs shall be kept free from excessive rust, corrosion, peeling paint or other surface deterioration. The display surfaces of all signs shall be kept neatly painted or posted. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed.
- E. No sign shall be erected or maintained in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, or standpipe. No signs shall be erected or maintained so as to obstruct any building opening to such an extent that light or ventilation is reduced below minimums required by any applicable law or provisions of this code.

**4.3135 Illumination—General restrictions.**

- A. No sign, light, lamp, bulb, tube, or device shall be used or displayed in violation of this section.
- B. Regardless of the maximum wattages or milliamperere rating capacities allowable under Section 4.3120(E) of this chapter, no light source shall create an unduly distracting or hazardous condition to a motorist, pedestrian or the general public. Lighted signs shall be placed, shielded or deflected so as not to shine into residential dwelling units or structures, or impair the road vision of the driver of any vehicle.
- C. External light sources for a sign shall be directed and shielded to limit direct illumination of the sky or any object other than the sign.
- D. Except for holiday seasonal decorations, or signs approved under a comprehensive sign plan, temporary signs shall not be illuminated.
- E. The illumination of signs shall comply with the following standards:
  - 1. No exposed reflective type bulb, par spot nor incandescent lamp, which incandescent lamp exceeds 25 watts, 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.

2. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed 300 milliamperes rating for white tubing nor 100 milliamperes rating for any colored tubing.
3. When fluorescent tubes are used for interior illumination of a sign such illumination shall not exceed:
  - a. Within residential sign districts, illumination equivalent to four hundred 25 milliampere rating tubing behind a sign face with tubes spaced at least seven inches, center to center;
  - b. Within commercial or industrial sign districts, illumination equivalent to 800 milliampere rating tubing behind a sign face spaced at least nine inches, center to center.

**4.3140 Sign permit application.**

A. Except as provided in this chapter, a permit is required to erect, construct, repair or alter a sign. If a sign is for a new development that requires development review under Gold Beach Zoning Ordinance then the sign shall be reviewed as part of the development review process prior to approval of a sign permit.

B. An application for a sign permit shall be made on a form prescribed by the Planning Director and shall be filed with the city. The application shall be filed by the owner of the sign or a representative of the sign's owner. A separate sign permit application is required for each sign, unless a combined application for all signs in a proposed development is proposed. The application shall include information required by the Planning Director including but not limited to the following:

1. A sketch of the site, drawn to scale, showing the approximate location of existing structures, existing signs, and the proposed sign;
2. Building frontage elevations drawn to scale or a photograph, showing the sign's relative location and placement;
3. An illustration of the proposed sign, drawn to scale, showing the design, elevations, sign face dimensions and area, materials and engineering data which demonstrates its structural stability. The illustration of the proposed sign need not show the sign message, but shall show the size, style, and design of the lettering, numbers, and graphics conveying any message. The content of any message shall not be considered in the evaluation of a sign permit application;
4. The names and addresses of the applicant, the name and address of the owner of the property on which the sign is to be located, the name of manufacturer of the sign and the name and construction contractors' board number of the person installing the sign. The owner of the property on which the sign is to be located shall sign the sign permit application;

C. When deemed necessary by the Building Official, building or electrical permits shall be obtained as a part of the sign permit process. When required by Section 4.3100 of this chapter, the approval of the Fire Chief shall be obtained.

D. The Planning Director shall grant or deny the sign permit application based upon the information submitted with the application and other information obtained by or submitted to the city.

E. A sign permit application shall be approved if the application complies with all of the applicable provisions of this sign code and any other objective requirement imposed by law. No standard shall be applied to deny a permit if the operation of that standard violates a constitutional right of the applicant. If, as part of the application, an applicant identifies a particular standard alleged to have unconstitutional effect, and provides reasons for that contention, the Planning Director shall seek the opinion of the city attorney on the contention. If the city attorney concludes that the operation of the standard violates a constitutional right of the applicant, the Planning Director shall not apply the standard in reviewing the application;

F. An approved sign shall be constructed and installed within six months of the final approval of the permit, including resolution of any appeal. The sign permit shall be void if installation is not completed within this period or if the sign does not conform to the approved permit. Sign permits mistakenly issued in violation of this sign code or other provisions of this code are void. The Planning Director may grant a reasonable extension of time for the installation deadline upon a showing of reasonable grounds for delay.

G. If sign does not conform to the building code after inspection, the sign will be subject to removal under **Section 4.3155** of this chapter.

H. The Planning Director may revoke a sign permit if the director finds that there was a material and misleading false statement of fact in the permit application.

#### **4.3145 Inspections.**

A. If a building permit is required, the building official shall perform a sign inspection upon notification by the permittee that the construction is ready for inspection. Failure of the permittee to notify the building official of the progress of construction for inspection purposes shall result in the revocation of the sign permit. A final inspection of a sign shall be made upon completion of all construction work and prior to its illumination, if applicable.

B. All signs may be inspected or re-inspected at the discretion of the building official. The building official may inspect footings for monument, ground-mounted or freestanding signs. The building official may enter at reasonable time upon the premises of any person licensed under the provisions of this chapter for the purpose of inspection of signs under construction.

#### **4.3150 Enforcement of Sign Code — General Provisions**

A. The following referenced code sections may be utilized for enforcement of this Sign Code, in regards to the types of sign violations referenced:

1. Sign in public right-of-way or on City-owned real property: Section 4.3155.
2. Sign on private property or on non-City-owned public property, other than on public right-of-way: Section 4.3160.
3. Unsafe Sign: Section 4.3165.
4. Abandoned Sign: Section 4.3170.

B. In addition to any other provisions contained herein, the Planning Director is authorized to undertake such action as the Planning Director deems necessary and convenient to carry out the provisions of this Sign Code, as is permitted by law.

C. Nothing in this Chapter shall preclude the issuance of citations for civil violations of this ordinance, either prior to, concurrently with, or after action is commenced to declare a sign to be unlawful or to removal an unlawful sign.

D. The City Administrator may promulgate reasonable rules and regulations necessary to carry out the provisions of this chapter.

E. When a sign is removed, altered, and/or stored under these enforcement provisions, removal and storage costs may be collected from the sign owner and the person responsible for the placement of the sign. The city council shall establish the fees for removal and storage of signs, and for other associated fees by resolution.

F. This chapter shall not be construed to create mandatory enforcement obligations for the City. The enforcement of this chapter shall be a function of the availability of sufficient financial resources consistent with adopted budgetary priorities and prosecutorial priorities within the range of delegated discretion to the City Administrator.

#### **4.3155 Enforcement - Sign in public right-of-way or on City-owned real property.**

Any sign installed or placed in the public right-of-way or on City-owned real property, except in conformance with the requirements of this chapter, may be removed by the Planning Director as follows:

- A. Immediate confiscation without prior notice to the owner of the sign.

B. The city shall store any sign ordered to be removed by the Planning Director for a period of thirty (30) days from the time the person responsible therefore is notified as provided in subsection

C. The city shall continue to store such sign for any additional period during which an appeal or review of the removal of the sign is pending before the City Administrator.

D. If a telephone number or address of the owner of the sign, person responsible therefore, or person or business that is the subject of the communication the text of a sign is available, the City shall contact the person or business by telephone or by mail and advise that the City believes that:

1. The sign was found in a location that the City believes to be a public right-of-way or City-owned real property;
2. No permit was issued for the placement of the sign in said location, and the sign is not otherwise lawfully permitted to be in said location.
3. The communication shall advise said person or business that the City has confiscated the sign and shall destroy the sign after thirty (30) days from the date of the notification, unless either the sign is claimed and the removal and notice fees are paid in full or a Request for Hearing is submitted by the reputed sign owner to the City Administrator.
4. If no telephone number or mailing address for the owner of the sign, or person or business that is the subject of the sign is available, the City shall retain the sign for a period of thirty (30) days to permit the sign owner to ascertain that the sign has been removed and to file a Request for Hearing.

E. Within 3 business days of receipt of a Request for Hearing and payment of the appropriate hearing fee, a hearing before the City Administrator will be scheduled . The City Recorder shall notify the reputed sign owner and the appropriate city staff of the date, time, and place of the hearing.

F. The hearing shall be conducted by the City Administrator. The procedures for the hearing shall be established by the City Administrator sufficient to provide the parties not less than the minimum due process required under state and federal law.

G. The City Administrator may find a prima facie violation of this Code if it is shown that:

1. The sign was located in a public right-of-way or on City-owned real property; and
2. The sign owner is not authorized to install and maintain signs within the public right-of-way under this Sign Code.

The sign owner may rebut the prima facie showing of violation upon a showing that the sign was lawfully permitted within the public right-of-way or on City-owned real property, or that the law does not require the sign owner to obtain a permit under this Sign Code to place a sign within the public right-of-way or on City-owned real property.

H. The City Administrator shall issue a written decision within seven (7) days following close of the hearing. The decision shall be based upon substantial evidence in the record. A copy of the decision shall be mailed to the reputed sign owner at the address provided on the Request for Hearing form. The decision of the City Administrator shall be the final decision of the City.

I. If the City Administrator determines that the sign was not lawfully placed upon the public right-of-way or on City-owned real property, the decision shall inform the reputed sign owner that if the sign is not reclaimed within 7 days of the date of the City Administrator's decision, the City Administrator may destroy the sign or dispose of it in any manner deemed appropriate. To reclaim any sign removed by the City Administrator the person reclaiming the sign shall pay the city an amount equal to the costs incurred by the City as determined by 4.3150(E).

J. If the City Administrator determines that the sign was lawfully placed upon the public right-of-way or on City-owned real property, the City shall re-install the sign upon the same place from which it was removed within three (3) business days of the issuance of the decision and the fee for Request for Hearing shall be refunded to the payor of the fee.

I. Costs, as determined by Section 4.3150(E), shall be the responsibility of the sign owner and the person responsible for the placement of the sign, collectively and individually.

**4.3160 Enforcement - Sign on private property or on non-City-owned public property, other than on public right-of-way.**

A. The Planning Director may order the removal of any sign erected or maintained on private property or on non-City-owned public property, other than on public right-of-way, in violation of the provisions of this chapter or other applicable provisions of this code. If necessary to enter the premises to inspect the sign, the Planning Director shall seek an administrative warrant for entry to the premises.

B. Enforcement may first be attempted by fax, phone, or email and if the sign is not brought into compliance within seven (7) days then an order to bring a sign into compliance or to remove a sign shall be in writing and mailed or delivered to the owner of the property as identify in the county tax records. A courtesy notice will be sent to the owner of the sign, if known.

C. The order shall inform the owner of the sign, if known, and the owner of the building, structure or premises on which the sign is located, if the owner of the sign is

not known, that the sign violates the regulations in this chapter and must be brought into compliance or be removed within thirty (30) days of the date of the order, or such earlier date as shall be stated in the order. The order shall also state the reasons why the Planning Director concludes the sign violates the regulations in this chapter and shall inform the owner of the sign, if known, and the owner of the building, structure or premises on which the sign is located, if the owner of the sign is not known, of the right to submit a Request for Hearing, to determine whether or not the sign is in violation of this Sign Code.

D. A Request for Hearing shall be filed by the reputed owner of the sign, or owner of the building, structure or premises on which the sign is located within fifteen (15) days following mailing or delivery of the order. The Request for Hearing shall be filed with the City Administrator.

E. Upon receipt of the Request for Hearing, the City Administrator shall proceed in the manner specified in Section 4.3155(D), and a hearing shall be held, and decision issued, in the manner specified in Section 4.3155(E) and (G).

F. The City Administrator may find a prima facie violation of this Code if it is shown that the sign:

1. Does not conform to the requirements of this Code; or
2. Is erected by a person that is not authorized to erect the sign in the specific location.

The prima facie showing of a violation may be rebutted upon a showing that the sign was lawfully permitted or authorized under this Code, or is otherwise required to be installed and maintained by state or federal law.

G. If the City Administrator determines that the sign is not permitted or authorized by this Sign Code, or by other applicable state or federal law, then within ten (10) days following the date of the City Administrator's decision, the owner of the sign, or owner of the building, structure or premises on which the sign is located shall cause the sign to be removed, or altered in such a manner as to be made to conform to the requirements of this Sign Code. A sign which is not removed or altered in such a manner as to be made to conform to the requirements of this Sign Code, is defined as a public nuisance.

H. In the case of a sign that is a public nuisance the Planning Director may:

1. Exercise all rights and remedies to cause the removal of the sign, including but not limited to removal of public nuisance, injunctive order, or as otherwise existing under Oregon law; and/or
2. Seek judgment against the owner of the land and the sign owner, individually, or collectively, for the removal and other costs pursuant to Section 4.3150(E), and may collect upon the judgment in the manner provided

by Oregon law; and/or

3. Seek additional orders from a court of competent jurisdiction to permit entry upon the premises and removal of the sign.

I. Costs, as determined by Section 4.3150(E), shall be the responsibility of the sign owner and the person responsible for the placement of the sign, collectively and individually. The costs shall be made a lien against the land or premises on which such sign is located, and may be collected or foreclosed in the same manner as liens otherwise entered in the lien docket of the City.

**4.3165 Removal of unsafe signs.**

A. If the Planning Director finds that any sign by reason of its condition presents an imminent and serious danger to the public, the Planning Director may, without prior written notice, order the removal or repair of the sign within a specified period. If an appeal of the Planning Director's order is filed, the City Administrator shall follow the procedures provided in Section 4.3160, subsections (B), (C), (D), (E), (H), except that the Planning Director may shorten the time deadlines as reasonable, considering the risk to the public from the sign if the sign were to fail. If the Planning Director finds that any sign by reason of its condition presents an immediate and serious danger to the public, the City Administrator may, without prior written notice, order the immediate removal or repair of the sign and/or declare the sign a public nuisance proceed to immediately abate the sign.

B. If the City Administrator determines that the sign presents an immediate and serious danger to the public, then within such time as set by the City Administrator the owner of the sign, or owner of the building, structure or premises on which the sign is located shall cause the sign to be removed, or altered in such a manner as to be made to eliminate the threat of death, injury, or damage to the public and its property. A sign which is not removed or altered in such a manner as to be made safe, is defined as a public nuisance.

C. Costs, as determined by Section 4.3150(E), shall be the responsibility of the sign owner and the person responsible for the placement of the sign, collectively and individually. The costs shall be made a lien against the land or premises on which such sign is located, and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the City.

**4.3170 Removal of abandoned signs.**

A. An owner of a sign shall remove the sign when it is abandoned.

B. The Planning Director may order the removal of abandoned signs in the same manner as provided in Section 4.3160, and the procedures for requesting a hearing, and the decision issued, shall be as set forth therein.

C. The City Administrator may find that a sign has been abandoned when it is shown that:

1. The sign is no longer used by the person who constructed the sign or the property where the sign is located is no longer used. The sign owner may rebut the prima facie showing of this ground of abandonment upon a showing that a reasonable effort is underway to continue the use of the property or sign,
2. The sign has been damaged, and repairs and restoration are not started within ninety days of the date the sign was damaged, or are not diligently pursued, once started.

D. Costs, as determined by Section 4.3150(E), shall be the responsibility of the sign owner and the person responsible for the placement of the sign, collectively and individually. The costs shall be made a lien against the land or premises on which such sign is located, and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the City.

**4.3180 Violations.**

A. It shall be a violation of this Code for any person to perform, undertake, allow, or suffer the following:

1. Installation, creation, erection, suffering, or maintenance of any sign in a way that would create a non-conforming sign;
2. Failing to remove any non-conforming signs within thirty calendar days after a written notice of removal was posted on the property on which the sign was located;
3. Failing to remove any non-conforming sign after being ordered to do so;

B. Continuing Violation. Each day of a continued violation shall be considered a separate violation when applying the penalty provisions of this Code.

**4.3185 Penalties and Other Remedies.**

A. The municipal court is empowered to hear and determine violations of this chapter.

B. In addition to any other penalty of law, the municipal court or any other court of competent jurisdiction may issue a judgment necessary to ensure cessation of the violation, including but not limited to injunctive order and/or monetary penalty.