

**ORDINANCE NO. 863**

**AN ORDINANCE AMENDING THE SCAPPOOSE MUNICIPAL CODE CHAPTER 17.114 (SIGN CODE)**

**WHEREAS**, through the application of the Land Use and Development Code, the public and City staff have found that the Scappoose Municipal Code Title 17.114 could be improved by rewriting it; and

**WHEREAS**, in light of case law, the City's existing Sign Code may expose the City to legal challenges; and

**WHEREAS**, the Planning Commission held three work sessions on the matter and had a primary role in shaping the new chapter; and

**WHEREAS**, legal and public notices have been provided as required by law; and

**WHEREAS**, the Planning Commission held a hearing on the application on June 22nd, 2017 and the City Council held a hearing on the application on July 17 and August 7, 2017; and

**WHEREAS**, City Council finds that the amendments are in the public interest.

**NOW THEREFORE, THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:**

**Section 1.** Chapter 17.114 of the Scappoose Municipal Code is hereby amended as indicated in Exhibit 1, attached hereto and hereby incorporated by reference.

**Section 2.** In support of this ordinance, the City Council adopts the recommendation of the Scappoose Planning Commission and the findings of fact in the Staff Report dated June 15, 2017, attached hereto as Exhibit 2.

**Section 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 4.** This ordinance is effective 30 days after passage.

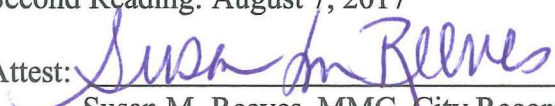
PASSED AND ADOPTED by the City Council this 7<sup>th</sup> day of August, 2017, and signed by the Mayor and City Recorder in authentication of its passage.

**CITY OF SCAPPOOSE, OREGON**

  
\_\_\_\_\_  
Scott Burge, Mayor

First Reading: July 17, 2017

Second Reading: August 7, 2017

Attest:   
\_\_\_\_\_  
Susan M. Reeves, MMC, City Recorder

ORDINANCE NO. 863

## EXHIBIT 1

Cross through means the text will be deleted. Double underline is an addition

~~17.114.010~~ ~~17.114.020~~

### Chapter 17.114

#### SIGNS

##### Sections:

~~17.114.010 Purpose.~~

~~17.114.020 Definitions.~~

~~17.114.030 General sign regulations.~~

~~17.114.040 Signs in residential zones.~~

~~17.114.050 Commercial and industrial zones.~~

~~17.114.060 Nonconforming signs.~~

~~17.114.010 Purpose. The purpose of this chapter is to provide a safe, consistent, equitable and legal system of signing. The regulations of such factors as size, location, construction, etc., will encourage the communication of information and orientation for both visitors and citizens; provide for the effective identification and advertisement of business establishments; eliminate visual blight; and provide standards to safeguard life, health, property and public welfare. (Ord. 680 §1(part), 1998; Ord. 634 §1(part), 1995)~~

~~17.114.020 Definitions. As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:~~

~~"Building frontage" means the linear frontage of a building measured along the side of the building where primary access to the structure is obtained.~~

~~"Canopy" means a structure made of cloth, metal or other material with frames affixed to the building.~~

~~"Construction sign" means any information sign which identifies the architect, engineers, contractors and other individuals or firms involved with the construction of a building, or announcing the character of the building or enterprise, which is erected during the building construction period.~~

~~"Directional sign" or "incidental sign" means small signs, less than four square feet in surface area, of a noncommercial nature, intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, arrows indicating directions, help wanted, public telephone, entrances, exits, etc.~~

~~"Electronic changing sign" means an electronic sign upon which the entire copy or message may appear or change from time to time upon a lamp bank, such as time and temperature displays, which by its nature and intensity is not a flashing sign.~~

~~"Flashing sign" means any sign which contains or is illuminated by a light source which produces a brilliant flash and darkness on an alternating basis, which results in a pulsating effect designed primarily to attract attention.~~

~~"Freestanding sign" means any sign set apart with no structural~~

attachments to a building structure and is meant to include ground-mounted signs and pole signs for the purpose of these regulations.

"Grade" means the relative finished ground level within twenty feet of the sign.

"Height" or "height of sign" means the vertical distance from the average grade within twenty feet of the structure to the highest point of a sign or any vertical projection thereof, including its supporting columns. 17.114.020

Lighting, Indirect or Internal. "Indirect or internal lighting" means any illuminated sign constructed so that the immediate source of illumination is not visible when the sign is lighted and which does not exceed ten candle power per square foot measured at ten feet from the sign.

"Monument sign" or "ground sign" means a sign which extends no more than eight feet in height and is mounted on the ground and supported by one or more uprights, poles or braces in or upon the ground other than a pole sign as defined.

"Moving sign" means any sign which produces apparent motion or the visual image, including but not limited to illusion or moving objects, moving patterns or bands of light, expanding or contracting shapes, rotation or any similar effect of animation which is designed or operated in a manner primarily to attract attention.

"Pole sign" means a single or multiple faced sign extending eight or more feet above grade, supported by one or more uprights in the ground and detached from any building or structure.

"Political sign" means a sign advertising a candidate or candidates for public elective office, or a political party, or a sign urging a particular vote on a public issue decided by ballot.

"Portable sign" means any sign not meeting the anchorage requirements of the Uniform Sign Code.

"Projecting sign" means a single or multiple faced sign which is designed and constructed to be mounted to the wall of a building and which will extend more than twelve inches from the wall.

"Property line" means the line denoting the limits of legal ownership of property.

"Public sign" means a sign erected and maintained by the city within the public right-of-way.

"Readerboard" means a sign or part of a sign on which the letters are readily replaceable such that the copy can be changed from time to time at will.

"Roof sign" means any sign erected upon, against or directly above a roof or on top of or above the parapet of a building, including a sign affixed to any equipment attached to the building.

"Sandwich ("A") board" means a double faced sign hinged or connected at the top which is spread for stabilization and set upon the ground.

"Sign" means any medium, including its structure and component parts, other than paint on a building, which is used or intended to be used to attract attention to the subject matter for communication purposes.

"Sign area" means the surface contained within a single continuous perimeter which encloses the entire sign cabinet but excluding any support or framing structure that does not convey a message. Where signs are of a three-dimensional, round or other solid shape, the largest cross-section viewed as a flat projection shall be used for the purpose of determining the sign area. Signs visible from more than one direction or without clearly defined sign faces shall be considered as having two faces.

"Street frontage" means street(s), or public right(s) of way parallel to the property line used to compute the area of sign(s) intended to be located in such a manner as to have primary exposure on that street or right-of-way.

~~"Temporary sign" means any sign, banner, pendant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light material displayed for a period of less than ten days in any calendar year.~~

~~17.114.020--17.114.030~~

~~"Wall sign" means a single-face sign which does not extend more than twelve inches from the wall and the copy of which runs parallel to the wall to which it is attached or painted on.~~

~~"Window sign" means a sign which is applied to, attached to or located within the interior of a window. (Ord. 820 §3, 2012; Ord. 680 §1(part), 1998; Ord. 634 §1(part), 1995)~~

~~17.114.030 General sign regulations. A. 1. No sign governed by the provisions of this chapter shall be erected, structurally altered, or relocated without first receiving a sign permit from the city.~~

~~2. Street trees are protected by Scappoose Municipal Code Chapter 17.104, Street Trees, and Chapter 17.140, Public Land Tree Removal and the Scappoose Comprehensive Plan. Signs located more than eight feet above grade may be visually limited by street trees.~~

~~B. All signs shall comply with the following requirements and those specified by zoning district:~~

~~1. Construction shall satisfy the requirements of the current version of the Uniform Sign Code.~~

~~2. Electrical requirements rot signs shall be governed by the current version of the National Electrical Code and Oregon Electrical Specialty Code Amendments.~~

~~3. Except for exempt signs, all signs shall be securely attached to a building or the ground.~~

~~4. All signs, including exempt signs, shall conform to all visual clearance area requirements of Scappoose Municipal Code Chapter 12.10.~~

~~5. All signs, including exempt signs, together with their supports, braces and guys shall be maintained in a safe and secure manner.~~

~~6. All illuminated signs shall be internally or indirectly illuminated.~~

~~C. The following signs shall be exempt from the application, permit and fee requirements of this title:~~

~~1. Impermanent construction and subdivision signs not exceeding thirty-two square feet in area;~~

~~2. Public signs, directional signs, warning signs or information signs or structures required or authorized by law, or by federal, state, county or city authority;~~

~~3. Historical site plaques;~~

~~4. Official and legal notices issued by any court, public body, person or officer in performance of a public duty or in giving any legal notice;~~

~~5. Official flags of the United States of America, counties, municipalities, official flags of foreign nations, flags of internationally and nationally recognized organizations;~~

~~6. On-premises signs not readable from the public right-of-way, i.e., menu boards, etc.;~~

~~7. Political signs, provided such signs shall not exceed four square feet in area or be posted more than forty-five days before the election to which they relate and are removed within fifteen days following the election;~~

~~8. Real estate signs not exceeding four square feet in area in residential districts or thirty-two square feet in commercial or industrial districts;~~

~~9. Residential identification signs not exceeding two square feet;~~ ~~17.114.030~~

~~10. Structures intended for a separate use such as phone booths, Goodwill containers, etc.;~~

~~11. Temporary signs not exceeding four square feet;~~

~~12. Window signs;~~

~~13. Signs carved into a building or which are a part of materials which are an integral part of the building;~~

~~14. Murals and decorative painted wall decorations without advertising or recognizable logos;~~

~~15. Decorative flags not to exceed three feet by five feet limited to one per business frontage.~~

~~D. The following signs are prohibited:~~

~~1. Flashing and moving signs;~~

~~2. Portable signs;~~

~~3. Sandwich ("A") boards exceeding four square feet in area per sign face;~~

~~4. Any signs attached to utility poles, streetlight poles, or traffic control standard poles, street trees or otherwise located in the public right-of-way or city maintained areas adjacent to the public right-of-way without written approval of the city manager;~~

~~5. Signs in a dilapidated or hazardous condition;~~

~~6. Signs on doors, windows or fire escapes that restrict free ingress or egress;~~

~~7. Signs which purport to be, are an imitation of, or resemble an official traffic sign or signal, could cause confusion with any official sign, or which obstruct the visibility of any traffic sign or signal;~~

~~8. Signs placed on or painted on a motor vehicle or trailer and parked with the primary purpose of providing signs not otherwise allowed by this title;~~

~~9. Balloon signs;~~

~~10. Any sign not specifically permitted by this chapter is prohibited unless specifically approved by the planning commission.~~

~~E. All freestanding signs shall comply with the following provisions:~~

~~1. One freestanding sign shall be permitted per street frontage of a lot or parcel, or each three hundred feet of street frontage of a lot or parcel, not to exceed two freestanding signs per lot or parcel.~~

~~2. Freestanding sign supports shall be placed behind the property line and no closer than ten feet to any adjacent private property line.~~

~~3. Freestanding signs may project over the public property line provided they conform to the standards established for projecting signs.~~

~~F. All projecting signs shall comply with the following provisions:~~

~~1. No projecting sign shall extend above the highest structural component of the building to which it is attached or more than twenty-four feet above grade.~~

~~2. Signs over the public right-of-way, including freestanding signs and swinging signs, shall conform to the following standards:~~

<u>Clearance</u>	<u>Maximum Projection</u>
Less than 8'	Not permitted
8'	1 foot
9' and above	2 feet for every foot above 8 feet in height, but no more than 9 feet.

No sign shall project within two feet of the curb line.

G. All roof signs shall comply with the following provisions:

1. All roof signs shall be installed or erected in such a manner that no support structure as visible from grade level or any abutting public right-of-way.

2. Roof signs may be erected so as to appear from all sides as a wall sign applied to an existing penthouse which appears to be a part of the building itself.

3. Roof signs shall not exceed the highest point of the building or structure. On flat roofs, the roof sign shall not exceed eight feet above the highest point of the building. In no case shall a roof sign extend more than twenty-four feet above grade.

H. All wall signs shall conform to the following provisions:

1. Wall signs may be attached flat to, or pinned away from the wall, but shall not project more than twelve inches from the wall.

2. Wall signs shall not extend above the height of the wall to which it is attached or more than twenty-four feet above grade.

I. Any sign which is not in compliance is an unlawful sign and declared to be a public nuisance.

1. The city manager may order the removal of any sign erected or maintained in violation of this title. He or she shall give ten calendar days notice in writing to the owner of such sign, or of the building structure, or premises on which the sign is located, to remove the sign or bring it into compliance. Any sign located on a utility pole, street light pole or traffic control standard poles, street trees or otherwise located in the public right-of-way or city maintained areas adjacent to the public right-of-way without written approval of the city manager shall be removed immediately and with no notice;

2. The city manager may order the removal of a sign immediately and without notice if, in his/her opinion, the condition of the sign is such as to present an immediate threat to the safety of the public, and is authorized to take such steps as may be necessary to remove such sign. Neither the city or any of its agents shall be liable for the sign or any damage to the sign.

3. Violation of this title shall include failure to comply with any of the provisions of this chapter or the erection, use or display or the allowing of, the permitting of, or one suffering erection, use or display of any sign not in compliance with all the provisions of this title.

4. The remedies provided in this section for violations of or failure to comply with provisions of this title shall be cumulative and shall be in addition to any other remedy provided by law. (Ord. 820 §3, 2012; Ord. 680 §1(part), 1998; Ord. 634 §1(part), 1995)

~~17.114.030 – 17.114.060~~

17.114.040 Signs in residential zones. A. R-1 and R-4  
Zones.

~~1. One name plate or identification sign with a maximum of two faces not exceeding two square feet per face per dwelling unit is permitted. Uses allowed conditionally may be allowed to erect one sign per street frontage not to exceed thirty-two square feet.~~

~~2. Signs permitted outright in the R-1 and R-4 zones may be located anywhere on the premises; however, no freestanding sign may exceed eight feet in height or project beyond any property line. Building-mounted signs shall be wall-mounted and shall not be erected on any building roof.~~

B. MH and A-1 Zones.

~~1. Signs permitted in the R-1 and R-4 zones are permitted in the MH and A-1 zones. For multiple-family dwellings, permitted manufactured home parks and conditional uses in the MH and A-1 zones, one identification sign totaling thirty-two square feet in area shall be permitted for each street frontage.~~

~~2. Signs permitted in these residential districts may be located anywhere on the premises; however, no freestanding sign shall exceed eight feet in height or extend beyond a property line. Building-mounted signs shall be wall-mounted and shall not be erected on any building roof. (Ord. 680 §1(part), 1998; Ord. 634 §1(part), 1995)~~

17.114.050 Commercial and industrial zones. A. The total allowable area of all permitted signs shall be as follows:

~~1. A total sign area of one and one-half square feet for each lineal foot of building frontage or one square foot for each lineal foot of lot frontage, whichever results in the larger sign area. Within multiple tenant facilities, it shall be the responsibility of the property owner to determine how the total allowable sign area for the property shall be apportioned and the sign permit application shall require the signature of the property owner.~~

~~2. Freestanding or projecting signs shall be limited to one hundred fifty square feet per face. Such signs shall not exceed twenty-four feet in height from grade to the highest element.~~

~~B. Residential uses in the commercial and industrial zones shall be subject to the limits and requirements of the A-1 zone. (Ord. 680 §1(part), 1998; Ord. 634 §1(part), 1995)~~

~~17.114.060 Nonconforming signs. A. If, at the time of passage of this title, a sign does not conform to the provisions of this title, such sign may be continued and maintained in reasonable repair. This grandfather status, however, shall not prevent the city from taking action under Section 17.114.030 where a clear and immediate threat to the public safety and welfare exists.~~

~~B. Nonconforming signs which are structurally altered, relocated or replaced shall comply immediately with all provisions of this title.~~

~~C. If a nonconforming sign is destroyed by any cause to the extent or more than fifty percent of its value, then and without further action by the planning commission, the sign shall be subject to all applicable regulations of this title. For the purpose of this title, the value of any sign shall be the estimated cost to replace the sign in kind, as determined by the building inspector. (Ord. 680 §1(part), 1998; Ord. 634 §1(part), 1995)~~



## Chapter 17.114 Signs

### Sections

- 17.114.010 Purpose
- 17.114.015 Definitions
- 17.114.020 General Provisions
- 17.114.025 Sign Permit Exemptions
- 17.114.030 Prohibited Signs
- 17.114.035 Signs within Residential Zones
- 17.114.040 Signs within Commercial and Industrial Zones
- 17.114.050 Electronic Display Signs
- 17.114.055 Nonconforming and Abandoned Signs
- 17.114.060 Enforcement of Permanent Signs

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

17.114.015 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.

Business. Any profession, trade, occupation, shop and every type of calling where a charge is made for goods, materials or services.

Direct Illumination. A standalone light acting as a sign to attract attention, or 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 corners. If any dimension is more than three 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.

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.

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

Lighting. Direct, external, or internal illumination.

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

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 17.114.025 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, wall signs, and awning signs.

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.

Right of Way. A public or private area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, streets, bike paths, alleys, and walkways. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.

Readerboard Sign. Sign on which a message copy can be changed manually, in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels.

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.

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. Street(s), or public right(s)of-way parallel to the property line used to compute the area of sign(s) intended to be located as to have primary exposure on that street or right-of-way.

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.

Wall Sign. A sign that is attached to, and extended no more than within 12-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.

17.114.020 General Provisions. All signs in the City of Scappoose 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 17.114.025 through 17.114.055 inclusive. Signs shall not be restricted by content.

- A. Permits Required. Except as provided in section 17.114.025, 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 Planner 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. Application for a sign permit is processed according to 17.162.
- B. 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.
- C. Location.
  - 1. Except as otherwise provided in this chapter, all signs shall comply with the building setback requirements of the underlying zoning district. The setback requirement for a freestanding sign shall be measured from the signboard.
  - 2. All signs shall be located entirely within the boundaries of a site unless specifically authorized by this chapter.
  - 3. All signs must be installed in compliance with Chapter 12.10, Visual Clearance Areas, of the municipal code, as well as the regulations of this chapter.
- D. Construction. All signs shall comply with the applicable provisions of the current Oregon State Structural Specialty Code, except as otherwise provided in this

chapter.

- E. 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 and/or signal.
  3. Flashing lights or similar devices as well as traveling light patterns (“chaser effect”) are prohibited. Changing of electronic display signs are not considered a traveling light pattern.
  4. All externally illuminated signs that measure seven feet or more from the ground level to the top edge of the sign face shall be illuminated from above.
  5. Searchlights are prohibited.
  6. Electronic display signs are permitted only as provided in Section 17.114.050.
  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. 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 inches, center to center.
  9. No direct illumination larger than 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.
- F. Sign Face Area. The sign face area shall be determined as follows:
1. The sign face area of signs enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face. The sign face area does not include foundations, supports, or other essential structures that are not related to the message and images being posted in the sign.
  2. When a sign is on a base material and attached without a frame, the dimensions of the base material are to be used unless it is clear that the base is not related to the message or image being posted in the sign.

3. When signs are constructed in individual pieces attached to a building wall, sign face area is determined by a perimeter drawn around all the pieces.
  4. For sign structures containing multiple panels oriented in the same direction, the panels together are counted as one sign face.
  5. The maximum surface area visible at one time, of a round or three-dimensional sign, is counted to determine the sign face area.
  6. When signs are incorporated into awnings, the entire panel containing the sign is counted as the sign face area unless it is clear that part of the panel is not related to the message or image being posted in the sign.
- G. No sign shall distract a driver, or cause a safety hazard.
- H. No sign shall be placed in the public right-of-way unless written permission from the City Manager is granted. Any sign located on a utility pole, street light pole or traffic-control standard poles, street tree, or otherwise located in the public right-of-way or city-maintained areas adjacent to the public right-of-way without written approval of the City Manager shall be removed immediately and without notice.

17.114.025 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 the Fire Department for identification of buildings; 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 5 feet in height and 15 square feet in area on one sign face.
- C. A single sign or historical marker not to exceed 4 square feet cut into the surface or the facade of a building, or permanently attached and not projecting more than two inches.
- D. Signs located in the interior of any building, or within an enclosed lobby or court of any building or group of buildings, that are designed and located to be viewed exclusively by patrons of such use or uses.
- E. Painted areas on a wall that are designed and intended as a decorative or ornamental feature, or to highlight a building's architectural or structural features.
- F. Window signs as a part of the inside display area of a business, provided the

window sign does not involve use of flashing or blinking lights.

- G. Signs not exceeding one and a half square feet (1.5 ft<sup>2</sup>) 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 square feet or less in sign face area.
- J. Flags less than 24 square feet in size measured border to border.
- K. Bench Signs so long as the bench sign doesn't exceed 15 square feet, are within 20 feet of an established public transit stop, or within a commercial or industrial zone. Bench signs shall not interfere with a right of way.
- L. Temporary signs given they adhere to the size requirements detailed in Section 17.114.035 and 17.114.040.

17.114.030 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. Permanent banner signs.
- C. Roof signs.
- D. Signs in public right-of-ways other than public signs installed or authorized by a governmental agency or public utility.
- E. 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.
- F. 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 square feet in the sign face area.
- G. Any sign that is not exempt, not a lawful nonconforming sign, or that was not erected, constructed, or placed in accordance with a permit.
- H. Signs attached to a tree.

17.114.035 Signage within Residential Zones. In addition to exempt signs regulated by section 17.114.025, this section specifies the allowed signs on all land within the R-1, R-4, MH, and A-1, zoning districts, and on any site within the Downtown Overlay District, C, and

EC zoning districts where the use of the land is characterized as residential.

A. Freestanding Signs

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

B. Temporary Signs

1. Maximum sign area for 1 or more temporary portable sign(s) or temporary freestanding signs shall not exceed 15 square feet, per property. Maximum sign area for a temporary banner shall not exceed 32 square feet.
2. Temporary signs may not be placed more than 60 days before an event and shall be removed within 7 days after the conclusion of the event.
3. Temporary signs shall not be illuminated.

C. Readerboard.

1. A permanent readerboard may be incorporated into any one, of the above permitted signs provided the readerboard assembly is integral to the sign, does not exceed 40 inches in height and constitutes no more than 60 percent of the face of the sign.

17.114.040 Signage within Commercial and Industrial Zones. In addition to exempt signs regulated by section 17.114.025, the provisions of this section regulate other allowed signs on all land zoned C, EC, LI, HI and PUA and any site zoned R-1, R-4, MH, and A-1, where the use of that land is characterized as commercial, industrial, or institutional.

A. Freestanding Signs

1. A freestanding sign may not exceed 1.5 square feet of sign area per linear foot of site frontage, provided the maximum sign face area is not more than 150 square feet per face. For calculation purposes, corner signs that face more than one 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 24 feet.



3. Illumination may be internal, external, or direct.
4. One 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 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 12 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 face, shall not exceed 32 square feet. Maximum sign area for a temporary banner shall not exceed 48-square feet.
2. One temporary sign is allowed per street frontage.
3. Temporary signs may not be placed more than 60 days before an event and shall be removed within 14 days after the conclusion of the event.

4. Temporary signs may not be illuminated.

E. Projecting Signs

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

2. The lowest portion of a projecting sign shall be no less than eight feet above the ground beneath the sign.

3. Projecting signs may not be illuminated.

4. One projecting sign allowed per business.

F. Portable Signs

1. The sign shall be displayed only during the business hours of the business for which it is permitted.

2. The maximum sign face area on one sign face, or the cumulative area of multiple sign faces when there is more than one sign face, shall not exceed ten square feet.

3. The top of the sign shall not exceed six feet above the ground, except that A-frame signs shall not exceed four feet in height.

4. The sign shall be located within the boundaries of the site where the business occupant is located.

5. Portable signs may not be illuminated.

6. One portable sign is allowed per business.

G. Readerboard

1. A permanent readerboard may be incorporated into any one, of the above permitted signs provided the readerboard assembly is integral to the sign, does not exceed 40 inches in height and constitutes no more than 60 percent of the face of the sign.

17.114.050 Electronic Display Signs.

A. Electronic display signs shall be allowed only in commercial and industrial zones, subject to the provisions of this chapter.

B. One electronic display sign shall be allowed per site.

C. The message on an electronic display sign shall change no more than once every ten seconds for signs with an electronic sign face of four square feet or less, and

no more than once every two minutes for signs with an electronic sign face greater than four square feet.

- 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 hours of being notified by the Planner or designee that it is not in compliance with the standards of this section.

17.114.055 Nonconforming and Abandoned Signs. All signs erected after the effective date of this title, which are in violation of any provisions of this chapter are declared to be a public nuisance and, shall be removed or brought into conformance upon written notice by the City Manager or their designee.

- 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 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 60 days of the date the sign was damaged.
  - 4. Whenever a nonconforming sign is damaged and the estimated cost to repair the sign is 50% or less of its replacement value as of the day before

the sign was damaged, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a nonconforming sign, if such repairs and restoration are started within 60 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 60 days or more;
  2. The sign does not have a message or image on the sign face area for a period of 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 60 days or more.
- C. If a sign is abandoned the Planner shall send notice to the property owner 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 of the basis for concluding that the sign has been abandoned. The notice shall also inform the property owner of their appeal rights.
  2. A property owner who disagrees with the Planner's determination that a sign has been abandoned may appeal the Planner's notice by filing a written appeal with the Planner within ten days of the date on the notice.
  3. The appeal shall identify the notice that is being appealed and explain why the Planner's determination is wrong.
  4. Upon timely receipt of an appeal, the Planner shall process the appeal in accordance with Chapter 17.162 of this code.
- D. If the abandoned sign is not removed by the specified date in the City Manager or their designee's notice and the property 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 City Manager or their designee 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.

17.114.060 Enforcement of Permanent Signs. Signs that violate the provisions of this Chapter are deemed a public nuisance. The City Manager or their designee may take any one or more of the following actions to enforce this Chapter: seek a fine pursuant to Chapter 17.24.030, declare the sign a nuisance and proceed pursuant to Municipal Code Chapter

8, seek declaratory and injunctive relief, revoke the sign permit or any other action authorized by law.

17.114.065 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 17.24, for signs located on public utility poles, street trees, traffic sign poles, or public property, the City Manager or their designee shall cause the sign to be immediately removed without notice.
  
- B. For temporary signs located on privately-owned property in violation of this chapter, in addition to the enforcement actions in this section, the City Manager or their designee may bring an action for abatement in accordance with Chapter 8 of the Scappoose Municipal Code.

DCTA2-17  
*Updating Chapter 17.114 Sign Code*

June 15, 2017

**CITY OF SCAPPOOSE STAFF REPORT**

Request: Amend the development code to replace the existing Chapter 17.114 (Sign Code) with the proposed Chapter 17.114 language

Applicant: City of Scappoose

**EXHIBITS**

1. Full text of proposed amendment to Development Code Chapter 17.114 (Sign Code)

**PROPOSAL AND RATIONALE**

The City of Scappoose proposes to discard Chapter 17.114 of the Scappoose Development Code and replace it with the new language attached as **Exhibit 1**.

Scappoose's existing Sign Code is dated, difficult to read, and regulates signs based on content, which is unconstitutional. Based on recommendations from the City's legal counsel, staff proposes to delete the current sign code entirely and rewrite it.

Rather than start from scratch, City Staff started with the City of Troutdale's Sign Code, and altered it to make it relevant to Scappoose. The Sign Code from the City of Troutdale was chosen because it had recently been updated with the assistance of the same legal counsel that the City of Scappoose employs, was easy to understand, and Troutdale itself has similar characteristics to Scappoose.

A sample code based off Troutdale's code was brought to the Planning Commission and over the course of three work sessions, Commissioners raised questions on potentially conflicting situations contained within the proposed code, and directed staff to return with a solution to remedy each problem. Additionally, the Commission directed City staff to isolate sections from the existing code they felt were still relevant and include them in the new code. The proposed code reflects the language contained within the existing code that the Commissioners wanted to keep and new changes the Planning Commission wished to make.

The most significant differences between the existing and proposed sign code are:

- Language that regulated sign content rather than sign size is removed.
- Bright lights that are not part of electronic signs cannot be exposed to direct view from a public street or highway.
- Language was added to say that no sign shall distract a driver. Determining if a sign is distracting is up to the discretion of the City Planner.
- Political signs and other non-permanent signs are consolidated into one category called "temporary signs". Temporary signs cannot be placed more than 45 days before an event, and must be removed 7 days after the event for residential zones, and cannot be placed more than 60 days before an event and must be removed 14 days after an event for

commercial and industrial zones. The removal time frame is 8 days shorter than our current code for residential zones. The allowable size for a temporary banner for commercial and industrial zones, and residential zones, was increased from 4 square feet to 48 and 32 square feet, respectively.

- Roof signs are no longer allowed.
- The new code clarifies how freestanding signs in residential, commercial and industrial zones are regulated.
- A permanent readerboard that is part of a permanent sign (like the signs in front of churches or Ichabod's), is now regulated in the residential, and commercial and industrial zones, based on the percentage of the sign face it takes up and height.
- Sign regulations within the commercial and industrial zones are much clearer to interpret.
- Methods to determine the size of a sign face, and permitted sign sizes are clarified.
- Awnings with messages are now regulated as signs in the commercial and industrial zones.
- How fast an electronic sign can change is now based on the size of the sign. If the electronic sign is less than 4 square feet it can change every 10 seconds, and if it is larger than 4 square feet an electronic sign may change no more than once every two minutes.
- Guidance for how to declare a sign abandoned, and the process for removing the abandoned signs or other nonconforming signs, is clarified.
- All existing signs that violate the new code but were constructed prior to the adoption of the code are allowed to remain as is unless the sign is altered or the sign requires significant repairs as defined in 17.114.055.

## **PUBLIC NOTICE**

Notice of the proposed amendments to the Development Code was published in the newspaper on June 9 and June 16, 2017. Staff has received no written comments from the public regarding this application.

## **RECOMMENDATION**

Based on the information within the proposed amendments; applicable statutes, rules, comprehensive plan provisions and implementing ordinances, staff recommends that the Planning Commission recommend adoption of the proposal for consideration by the City Council.

## **FINDINGS**

1. The following Statewide Planning Goals have been considered by the City of Scappoose in the formation of the language contained within this request:

### ***Citizen Involvement (Goal 1)***

*Objective: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

**Finding:** This application complies with the citizen involvement processes included in the City's acknowledged Comprehensive Plan and Development Code, which is consistent with Statewide Planning Goal 1. The Planning Commission and City Council will hold public hearings on the proposal prior to adopting the amendments to the Scappoose Development

Code (Title 17 of the Scappoose Municipal Code). Notice of the proposal and hearings was published in the local newspaper on June 9 and June 16, 2017. The proposal was mailed to the Department of Land Conservation and Development on May 17, 2017, in advance of the June 22, 2017 Planning Commission hearing.

The Planning Commission held three work session that were advertised and open to the public.

***Land Use Planning (Goal 2)***

*Objective: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

**Finding:** The proposal to amend the Development Code is consistent with the City's regulations regarding legislative land use decisions. Legislative decisions require a Planning Commission recommendation to the City Council, which then makes a decision based on stated findings. The Planning Commission and City Council hearings are open to the public. During three public work sessions held by the Planning Commission prior to this meeting, the Commission discussed the proposed changes and amended the code language to further reflect the situation in Scappoose.

The procedural requirements for the proposed Development Code amendment are contained in the Scappoose Municipal Code, which involve assessment of the application's merits, notice to affected parties, and public hearings. The proposal is to amend Chapter 17.114 (Sign Code) of the Scappoose Municipal Code. The City's decision is based on findings of fact. This action complies with Goal 2.

**Statewide Planning Goals 3-19 are not applicable to this application.**

2. Ordinance language from Title 17 of the Scappoose Municipal Code (Land Development Code):

***Chapter 17.22 AMENDMENTS TO THE TITLE, COMPREHENSIVE PLAN, AND MAPS***  
***17.22.040 Approval criteria. Planning commission review and recommendation, and Council approval, of an ordinance amending the comprehensive plan, the zoning map, or this title shall be based on the following criteria:***

- A. If the proposal involves an amendment to the comprehensive plan, the amendment is consistent with the Statewide Planning Goals and relevant Oregon Revised Statutes and Administrative Rules;*
- B. The proposal is consistent with the comprehensive plan (although the comprehensive plan may be amended concurrently with proposed changes in zoning or this title), the standards of this title, or other applicable implementing ordinances;*
- C. The change will not adversely affect the health, safety, and welfare of the community;*
- D. The proposal either responds to changes in the community or it corrects a mistake or inconsistency in the comprehensive plan, the zoning map, or this title; and*
- E. The amendment conforms to Section 17.22.050. (Ord. 828 2013)*



**Finding:** The proposal to amend Chapter 17.114 of the Scappoose development code does not relate to any section of the Scappoose Comprehensive Plan, but does adhere to the necessary ordinances regarding decision making and noticing. The proposed code amendment remedies mistakes within sections of the code that were deemed unconstitutional and changes other sections to make the new sign code more relevant than the existing code. Section 17.22.040 is satisfied.

***Chapter 17.160 PROCEDURES FOR DECISION MAKING—LEGISLATIVE***

*17.160.120 The standards for the decision. A. The recommendation by the planning commission and the decision by the council shall be based on consideration of the following factors:*

- 1. Any applicable statewide planning goals and guidelines adopted under Oregon Revised Statutes Chapter 197;*
- 2. Any federal or state statutes or rules found applicable;*
- 3. The applicable comprehensive plan policies and map; and*
- 4. The applicable provisions of the implementing ordinances.*

*B. Consideration may also be given to:*

*Proof of a substantial change in circumstances, a mistake, or inconsistency in the comprehensive plan or implementing ordinance which is the subject of the application.*

**Finding:** The Planning Commission's recommendations and the City Council's decisions are based on applicable statewide planning goals and guidelines, federal and state statutes and rules, Comprehensive Plan policies, and provisions of the Scappoose Development Code, as detailed in the findings. Section 17.160.120 is satisfied.

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