

IN THE COUNTY COURT OF THE STATE OF OREGON

FILED WASCO CTY  
THE DALLES, OR.

IN AND FOR THE COUNTY OF WASCO Oct 21 3 31 PM '92

KAREN R. LEDBETTER  
COUNTY CLERK

IN THE MATTER OF THE AMENDMENT TO THE JOINT )  
MANAGEMENT AGREEMENT BETWEEN THE CITY OF THE ) ORDINANCE  
DALLES AND WASCO COUNTY FOR LAND USE ACTIVITIES )  
WITHIN THE URBAN GROWTH BOUNDARY. )

NOW ON THIS DAY, the above-entitled matter having come on regularly for consideration, said day being one duly set in term for the transaction of public business and a majority of the Court being present; and

WHEREAS: On June 26, 1983, Wasco County adopted by ordinance the City of The Dalles Zoning Ordinance, Subdivision Ordinance, and Mobile Home Park Ordinance for lands lying within the urban growth boundary, and has previously entered into an (amended) urban growth boundary joint management agreement with the City, which requires that plans and implementing ordinances be coordinated within the urban growth boundary; and

WHEREAS: On Monday, September 21, 1992, the City of The Dalles City Council adopted The Dalles Area Sign Ordinance (see Attachment A).

WHEREAS: Section 11.a. of the City of The Dalles-Wasco County Joint Management Agreement allows for review and amendment at any time by mutual consent of both parties, after public hearing by the City Council and the County Court.

WHEREAS: On October 21, 1992, at 10:00 a.m. in the Courtroom of this Court in the Wasco County Courthouse, a review to consider the aforementioned amendment to the City of The Dalles-Wasco County Joint Management Agreement to include The Dalles Area Sign Ordinance was conducted; and

WHEREAS: (1) Proper notice was given and the hearing was held in accordance with procedural rules for legislative hearings in Wasco County, Oregon and in conformity with said requirements as set forth in the Wasco County Comprehensive Plan, Wasco County Land Use and Development Ordinance and the Urban Growth Area Joint Management Agreement between the City of The Dalles and Wasco County; and (2) all members of the County Court were qualified to sit as decision makers, after full disclosure was made and the matter of qualifications was discussed by the Court.

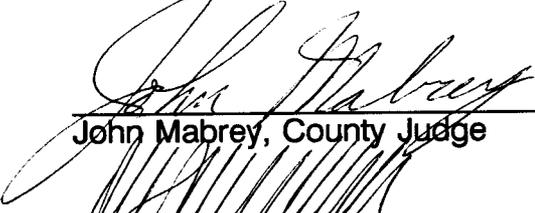
NOW, THEREFORE, THE COUNTY COURT FOR WASCO COUNTY, OREGON, HEREBY ORDAINS AS FOLLOWS: The Joint Management Agreement between the City of The Dalles and Wasco County be amended as shown in Attachment A. This amendment shall only be enacted upon approval of The Dalles City Council and subsequent filing with the Wasco County Clerk.

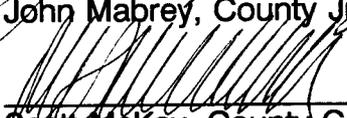
EMERGENCY CLAUSE: Inasmuch as this ordinance amendment is necessary for the immediate preservation of health, peace and safety, an emergency is hereby declared to exist and this ordinance amendment shall be in full force and effect immediately upon its adoption by the County Court and City Council.

Regularly passed and adopted by the County Court of the County of Wasco, State of Oregon.

DATED this 21st day of October, 1992.

WASCO COUNTY COURT

  
\_\_\_\_\_  
John Mabrey, County Judge

  
\_\_\_\_\_  
Scott McKay, County Commissioner

  
\_\_\_\_\_  
Chuck Filbin, County Commissioner

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Bernard L. Smith  
Wasco County District Attorney

dt

<WP\NOTICE\DEC-JMA.CC>

Ordinance No. 92-1153  
THE DALLES AREA SIGN ORDINANCE

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Ordinance No. 92-1153

The Dalles Area Sign Ordinance

CHAPTER I: INTRODUCTORY PROVISIONS

1.030 PURPOSE

1.040 SCOPE

1.050 DEFINITIONS

1.030 PURPOSE. The purpose of this ordinance is to provide reasonable and necessary regulations for the erection and maintenance of signs in order to:

- (1) Promote free and meaningful exchange of ideas and information.
- (2) Protect the health, safety, property, and welfare of the public.
- (3) Improve the neat, clean, orderly, and attractive appearance of the City.
- (4) Improve the effectiveness of signs in identifying and advertising businesses and facilities.
- (5) Provide for the reasonable, orderly, and effective display of outdoor advertising.
- (6) Preserve, protect, and enhance the economic, scenic, historic, and aesthetic values and objectives of the City and its citizens.
- (7) Provide effective signing to meet the anticipated differing needs of various areas in the City.

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

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

- (1) "Animation" means any form of movement by electric, mechanical, or kinetic means including, but not limited to rotation, revolving, or wind activation of all or a portion of a sign incorporating flashing or intermittent light for sign illumination or for changing the message on a message sign.
- (2) "Area" means the total area of a sign, including all decorative or structural trim, facing announcement, demonstration, display, illustration, or any other attention-getting device, exclusive of essential structural supports.
- (3) "Awning" means a roof-like structure that extends from a building face, generally frame constructed with a cloth or metal cover. An awning contains a sign when a message is incorporated by design or attached to the awning surface.
- (4) "Building Front" means the primary front of a building as viewed from the public street to which it is orientated. The area of a building front is calculated as the height multiplied by the width of the primary front.
- (5) "Business" means all of the activities carried on by the same legal entity on the same premises and shall include, but not be limited to charitable, fraternal, benevolent, educational, and social organizations.
- (6) "Canopy" means a permanent-roofed structure which may be free-standing or partially attached to a building for the purpose of providing shelter to pedestrians or patrons in automobiles but shall not mean a completely closed structure.
- (7) "City" means the City of The Dalles, Oregon.
- (8) "Cutout" means a display in the form of letters, figures, characters, representations, or others in cutout or irregular form attached to or super-imposed upon an advertising sign.
- (9) "Display Surface" means the area made available by the sign structure for the purpose of displaying a message thereon.
- (10) "Erect" means to construct, paint, place, affix, or otherwise bring into being.
- (11) "Electronic Reader Board" means a sign designed to display electronic messages that move, flash, or scroll,

the content of which may be changed.

- (12) "Street Frontage" means a lot line fronting on a street or highway. The width along such lot line must be at least 50 feet to qualify as a "street frontage", unless the premises has only one such frontage. Access to a street or highway is not required to establish a "street frontage" on a lot line fronting on a limited-access highway.
- (13) "Highway" means all state highways, including Interstate, Federal Aid Primary, Federal Aid Secondary, and other state highways. See ORS 366.010 defining "highway".
- (14) "Incombustible Material" means a material that will not ignite at or below a temperature of 1200 degrees F. during an exposure of five minutes and which will not continue to burn or glow at that temperature when tested in accordance with the UBC.
- (15) "Low profile building" means a building with a roof less than twelve feet above the sidewalk.
- (16) "Maintain" means to allow to exist or continue.
- (17) "Marquee" means a permanent roofed structure attached to or supported by a building but does not mean a "canopy" as defined herein.
- (18) "Nonstructural Trim" means a molding, batten, caps, nailing strip or stringer, lattice, cutout, letter or walkway attached to a sign structure.
- (19) "Person" means an individual, corporation, partnership, association, joint venture, or other legal entity.
- (20) "Approved Plastic" means a plastic approved by Underwriters Laboratory for use in construction of electric signs.
- (21) "Projection" means the distance which a projecting sign extends from a building face or the distance by which any other type of sign extends over public property.
- (22) "Roof Line" means the line which marks the highest point of the vertical front of a building in the case of a false front or the line where the roof is joined to the vertical front wall of the building in other cases.
- (23) "Sign" means any sign, display, message, light (other than lighting designed primarily for the illumination of

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

- (a) "Advertising sign" means a sign which advertises goods, products, business or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.
- (b) "Building directory" means a sign giving the name and room number or location of the occupants of a building.
- (c) "Directional sign" means an on-premise sign designed to be read by a person already on the premises and used only to identify and locate an office, entrance, exits, motor vehicle route, telephone, or similar place, service or route.
- (d) "Motor vehicle directional sign" means a sign identifying motor vehicle entrances or exits to or from the premises on which the sign is located.
- (e) "Electric sign" means a sign containing electrical wiring.
- (f) "Flush sign" means a sign erected on the face of a building, marquee, canopy, or roof overhang in a place parallel to such face and not extending more than 12 inches therefrom. A "flush sign" also includes a sign erected against supporting or ornamental columns supporting an overhanging roof in a place generally parallel to the nearest building face. An "attached flush sign" is a flush sign which does not extend beyond the corners of a building and is located under the eaves.
- (g) "Free-standing sign" means an on-premise sign supported by one or more uprights or braces in the ground and detached from any building or structure.
- (h) "Message sign" means a sign providing information by means of sequential illumination of lights contained in or upon the sign.
- (i) "Nonconforming sign" means a sign which does not conform to the provisions of this ordinance.

- (j) "On-premise sign" means a sign which advertises only the business or the goods, products, or facilities located on the premises on which the sign is located or the sale, rent, or lease of the premises.
  - (k) "Principal sign" means the primary permanent on-premise sign designed to identify or advertise a business or facility to motorists or pedestrians approaching the business or facility.
  - (l) "Projecting sign" means a sign other than a flush sign which projects beyond the building face to which it is attached.
  - (m) "Roof sign" means a sign erected upon the roof of a building, roof structure, or a flat canopy or marquee roof.
  - (n) "Secondary sign" means a free-standing sign on the premises where the building is set back from the front property line, as hereinafter specified.
  - (o) "Secondary marquee sign" means a marquee sign located only on an alley and under a canopy or flush to the building.
  - (p) "Secondary wall sign" means an incidental, permanent, on-premise flush sign.
  - (q) "Temporary sign" means a sign, banner, balloon, pennant, valance, or advertising display constructed principally of cloth, paper, cardboard, plywood, wood, wallboard, plastic, sheet metal, or similar light weight materials with or without a frame and which is not permanently affixed to any sign structure, sign tower, pole or building. Except for a balloon, banner, pennant or valance constructed of cloth, flexible light weight plastic, paper or cardboard, temporary signs shall be limited to signs displayed five feet or less above ground level.
  - (r) "Under marquee sign" means a sign erected under and supported by a marquee or canopy.
- (24) "Shopping Center" means a building or group of buildings planned and developed as a center on land with two or more retail business occupancies existing or planned. A "shopping center" shall not include a business which fronts on an arterial or collector street and which has

a marked segregated parking or use area separate from the shopping center parking. Two or more businesses not otherwise qualified may voluntarily join to form a "shopping center" by executing a form provided by the Building or Zoning Official including written consent of the owner or owners of the premises, including a provision for removal of nonconforming signs if the "shopping center" is discontinued.

- (25) "Uniform Building Code" means the Uniform Building Code published by the International Conference of Building Officials as adopted by the City, a copy of which is on file for inspection in the office of the City Clerk and which is referred to as "UBC" in this ordinance.
- (26) "Urban Growth Boundary" means the boundary established as the outer limit for urban growth, as acknowledged by the Oregon Land Conservation and Development Commission.
- (27) "Zone" means a zone established pursuant to the City Zoning Ordinance.

## CHAPTER II: GENERAL PROVISIONS AND PROCEDURES

- 2.010 SIGN PERMIT
- 2.015 PERMIT FEE
- 2.020 PERMIT EXCEPTIONS
- 2.030 SIGN COMPANY LICENSE
- 2.040 PERMIT PROCEDURE
- 2.050 MEASUREMENT

2.010 SIGN PERMIT. No sign shall hereafter be erected, re-erected, constructed, altered or maintained until a sign permit has been issued, unless no permit is required under Section 2.020. Where a group of signs is to be erected on the same building at the same time, each sign requires a separate permit. The application procedure is set forth in Section 2.040.

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

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

2.020 PERMIT EXCEPTIONS. A sign permit shall not be required for routine maintenance, such as repainting and repair of existing signs. Exceptions are also made for exempt signs listed in Section 3.010. However, a permit is required for a change of

business name or any structural alteration to an existing sign.

2.030 SIGN COMPANY LICENSE.

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

2.040 PERMIT PROCEDURE

- (1) Installer shall consult with the Zoning Official and where appropriate will be provided with a sign permit application.
- (2) The completed application shall be submitted with the

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appropriate fee and drawings to indicate the dimension, location, and height of all existing and proposed signs for the subject business.

- (3) Electric signs shall require notations to indicate capacity, power consumption, and shall bear U.L. approval labels. A permit for an electric sign will not be issued until an Oregon State Building Codes electrical permit is presented to the Zoning Official.
- (4) The Zoning Official may require additional information, such as photographs, needed to determine whether the proposal meets the requirements of this ordinance.
- (5) Proof that the installer holds a current sign company license shall be presented when required.
- (6) The Zoning Official will determine when the application is complete. The permit will be approved or denied within fifteen (15) days from the submittal date, unless referred to a City Commission as herein provided. Variances and appeals will be processed as set forth in Section 7.050.
- (7) When approved, a permit shall be issued by the Building or Zoning Official with the name of the sign erector thereon. The sign erector shall retain the permit for inspection during construction.

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

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

### **CHAPTER III: EXEMPT, TEMPORARY, AND PROHIBITED SIGNS**

- 3.010 EXEMPT AND TEMPORARY SIGNS**
- 3.020 PROHIBITED SIGNS**

3.010 EXEMPT AND TEMPORARY SIGNS. Unless determined by the Building or Zoning Official to be a hazard to motorists, pedestrians, or property, the following signs are exempt from the permit process, but shall comply with the safe erection and maintenance standards of Chapter VI, and with all specified standards of this Section.

- (1) Official sign, traffic sign, or traffic signal including, but not limited to, a sign identifying a public building or use or erected by a public officer performing an official duty under law, court, or administrative officer.
- (2) Directional sign erected by public authority.
- (3) Warning sign erected to warn the public of a danger on, or limiting access to public and private property, limited to a maximum width dimension of two feet, sign area of four square feet, and maximum height of six feet.
- (4) Permanent building identification limited to 24 square feet in a sign area and prohibited in residential zones.
- (5) House or building numbers limited to six inches in height for dwellings of four or less families and one foot in height for other buildings.
- (6) Name sign denoting the name of the owner or occupant, limited to two square feet in sign area.
- (7) Temporary political campaign signs shall be erected only on private property, and: limited to a sign area of 16 square feet and a maximum horizontal dimension of eight feet; placed 10 feet inside property lines when located within 10 feet of intersecting street or alley property lines; maintained in a neat, clean, and attractive condition. Signs may be erected during the campaign for a period of 60 days prior to the election in which candidates or issues are to be voted upon. Such temporary signs shall be removed not later than the fifth day following the election.
- (8) Temporary nonprofit signs identifying or advertising a nonprofit civic, charitable, or benevolent event complying with the same requirements as temporary signs to be used for promotional purposes.
- (9) Flags of United States, State of Oregon, United States or State of Oregon Military Service, foreign countries, United Nations, or civic, fraternal, veterans, or charitable organizations.

- (10) Christmas or seasonal decorations as customarily used.
- (11) Street banners approved by the City Manager advertising a public entertainment or event and conditioned upon safe erection and maintenance and such conditions as the City Manager may attach including, but not limited to, insurance and bonding.
- (12) Signs located inside a building unless such sign is prohibited under Section 3.020.
- (13) Benches with advertising thereon if approved by the Planning Commission.
- (14) Non-illuminated directional and motor vehicle directional signs painted on paving or otherwise limited to a maximum height of four (4) feet and a sign area of eight (8) square feet, and prohibited in residential zones.
- (15) Temporary for Sale Signs. A temporary "For Sale" sign not exceeding 6 square feet in area with a maximum height of 4 feet, may be erected upon private property, provided that it advertises the sale, lease, or rental of the property upon which it is erected. One additional "For Sale" or "Open House" sign limited to the same size.
- (16) Temporary Subdivision Signs. A temporary subdivision sign may be erected upon a tract of land designated as a subdivision advertising sale of the tract or lots in the tract. Such sign shall not exceed 42 square feet in area. The sign shall be reduced in size by 6 square feet for each lot less than 7 lots in the subdivision.
- (17) Temporary Signs to be Used for Promotional Purposes. Temporary signs may be used for promotional purposes, but only on private property and subject to the following:
  - (a) Temporary signs may be erected for a period not to exceed two weeks before the event advertised.
  - (b) No more than one "sandwich board" or "A frame" a maximum of 5 feet above ground level shall be allowed for each premises.
  - (c) A balloon, banner, pennant or valance constructed of cloth, flexible light weight plastic, paper or cardboard will be permitted for a period of seven (7) consecutive days in any month and then removed for a minimum of twenty-two (22) days or the remainder of the month.

- (18) Permanent Political, Ideological, Religious Signs which convey a message but which do not advertise a product or service for sale, provided such signs shall be subject to all ordinances and regulations concerning size, placement, materials, and the type and soundness of supporting structure.
- (19) Murals which are mounted or painted upon an existing building or structure and which do not advertise a product or service for sale.
- (20) Historic Landmark signs that are erected by the City or the owner of a historic building or placed in accordance with an official historic designation.
- (21) Community Interests may be identified by the City on a temporary or permanent basis. Such signs may promote, but are not limited to the promotion of: community events, public parks, and points of interest that serve a substantial public purpose.
- (22) Garage Sale Signs. These signs are allowed, one to a premise, with a maximum of three square feet in area.
- (23) Building Directory Signs. Building directory signs are permitted in shopping centers and multi-tenant buildings.

3.020 PROHIBITED SIGNS. No sign shall be erected or maintained which:

- (1) Bears or contains statements, words or pictures of an obscene, indecent, or immoral character, such as will offend the public morals or decency.
- (2) Extends or is erected, (such as a roof sign) above the roof line of the building to which it is attached, except as provided in Section 5.080.
- (3) The Building or Zoning Official determines to be in violation of ORS 483.138, which applies to signs creating confusion with or interfering with the effectiveness of traffic signs or signals.
- (4) Is placed on, affixed to, or painted on a motor vehicle, vehicle, or trailer and placed on public or private property for the primary purpose of providing a sign not otherwise permitted by this ordinance.
- (5) Is a private sign placed on, painted on, or affixed to any utility pole, tree, or rock.

- (6) Is located in an area of the City zoned residential, except for those signs designated in Sections 3.010, 4.010 and 4.040.
- (7) By use of lights or illumination, creates an unduly distracting or hazardous condition to a motorist or pedestrian. No exposed reflective-type bulb, spot, or incandescent lamp shall exceed 30 watt capacity.
- (8) Is otherwise in violation of any provision of this ordinance.

**CHAPTER IV: SIGNS PERMITTED BY ZONE, DISTRICT, AND USE**

- 4.010 RESIDENTIAL
- 4.020 NEIGHBORHOOD COMMERCIAL
- 4.030 RECREATIONAL COMMERCIAL
- 4.040 COMMUNITY FACILITIES OVERLAY
- 4.050 CENTRAL BUSINESS
- 4.060 GENERAL COMMERCIAL
- 4.070 INDUSTRIAL
- 4.080 HIGHWAY DISTRICT
- 4.090 SHOPPING CENTERS

4.010 SIGNS IN RESIDENTIAL ZONES. These areas are not zoned for commercial use, but are permitted the following non-animated, non-illuminated signs.

- (1) One two (2) square foot flush sign for homes with approved home occupation permits.
- (2) Community Facility signs permitted by Section 4.040.
- (3) Multi-family housing complexes with at least four dwellings are allowed a flush or a free-standing sign no more than eight feet above grade, as follows.

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

4.020 SIGNS IN NEIGHBORHOOD COMMERCIAL ZONES. These areas are zoned for limited commercial use and are surrounded by residential neighborhoods, and are permitted the following signs.

- (1) Flush signs only, equal to twenty-five percent of the

building front.

- (2) A secondary sign if the building is set back at least 20 feet from the property line, a maximum 32 square feet of sign area not to exceed 8 feet in height above street grade.

4.030 SIGNS IN RECREATIONAL COMMERCIAL ZONES. These areas are zoned for limited recreational and commercial uses, and are permitted the following signs.

- (1) The same signs as allowed in the Neighborhood Commercial Zone, Section 4.020; and

- (2) A free-standing principal sign for non-advertising community uses, such as a park sign, with a 48 square foot limit, not to exceed 8 feet above grade.

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

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

4.050 SIGNS IN CENTRAL BUSINESS ZONES. These areas are zoned for a variety of retail and service business uses, and are allowed the following signs.

- (1) One principal sign, either flush, projecting, or free-standing. If projecting or free-standing, limited to one square foot for each linear front foot of the major street frontage of the property with a maximum of 100 square feet, and subject to the requirements of Section 5.030.

- (2) A secondary sign if the building is setback over 20 feet from the property line, a maximum of 35 square feet of sign area not to exceed 20 feet in height above street grade.

4.060 SIGNS IN GENERAL COMMERCIAL ZONES. These areas are zoned for a variety of retail, wholesale, and service business uses, and are allowed the following signs.

- (1) The same principal signs as allowed in the Central Business Zone, Section 4.050.
- (2) A secondary sign if the building setback is 50 feet, a maximum of 50 square feet of sign area not to exceed 20 feet in height above street grade.

**4.070 SIGNS IN LIGHT AND HEAVY INDUSTRIAL AND MANUFACTURING ZONES.** These areas are zoned for a variety of industrial, manufacturing, and limited commercial and residential uses. The following signs are allowed.

- (1) The same principal signs as allowed in the Central Business Zone, Section 4.050.
- (2) A secondary sign if the building setback is 50 feet, a maximum of 50 square feet of sign area not to exceed 20 feet in height above street grade.

**4.080 SIGNS IN THE HIGHWAY DISTRICT.** This district was formed to allow greater visibility of signs proximate to primary and secondary highways. For the purposes of this ordinance the Highway District is described as follows:

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

The following signs are allowed in the Highway District.

- (1) The same principal signs as allowed in the Central Business Zone, Section 4.050, except that a free-standing sign may have a maximum area of 250 square feet, given one (1) square foot of sign area per linear foot of major street frontage.
- (2) A secondary sign if the building is set back at least 50 feet from the property line, a maximum of 50 square feet of sign area with a maximum height of 20 feet above grade.

**4.090 SIGNS FOR SHOPPING CENTERS IN APPROPRIATE ZONES.** Retail shopping centers are generally located in the Central Business and General Commercial Zones, and are allowed the following signs.

- (1) Each tenant is allowed flush signs at a maximum of twenty-five percent of the building front. Only one

free-standing sign permitted for the center, with the same area and height allowances provided for in the Highway District (250 square foot area and 40 foot height maximum).

#### CHAPTER V: REGULATIONS BY SIGN TYPE

5.010 PRINCIPAL SIGN	5.120 SERVICE STATION
5.020 SECONDARY SIGN	5.125 MENU BOARD
5.030 FREE-STANDING AND PROJECTING	5.130 ON-PREMISE
5.040 FLUSH	5.140 SECOND FRONTAGE
5.070 MESSAGE	5.150 ELECTRIC
5.080 ROOF	5.170 ANIMATED
5.090 SECONDARY MARQUEE	5.180 OFF-PREMISE
5.100 HOME OCCUPATION	

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

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

5.030 FREE-STANDING AND PROJECTING SIGNS. Such signs shall be located in conformity to the Zoning Ordinance and building code of the City of The Dalles.

- (1) A free-standing sign shall not exceed a maximum height of forty feet above the street grade.
- (2) Signs may project twelve inches over an alley with a minimum clearance of fourteen feet above grade and may project an additional twelve inches for each twenty-four inches of additional clearance above grade, to a maximum projection of thirty-six inches.
- (3) Except in alleys or other areas of vehicular traffic, a minimum of eight feet clearance shall be maintained from the bottom of a projecting or free-standing sign, and the level of the sidewalk or grade immediately below at the building line with a maximum projection of 12 inches. For each additional projection of 6 inches the sign shall have 12 inches of vertical clearance above the eight foot minimum requirement (see diagram on last page). In no case shall the maximum projection exceed five feet nor shall any sign extend closer to the street or alley than two feet from the outer curb face or two feet from the traveled surface where no curb is present.

- (4) Unless approved by the Building or Zoning Official for a minimum number of braces on a building face not able to support a projecting sign, no projecting signs shall be supported by a frame commonly known as an "A-frame" or other visible frame located on a building roof.
- (5) To insure traffic safety, signs shall be located in accordance with the "Clear Vision Area" provisions of the City's Zoning Ordinance.

5.040 FLUSH SIGNS. Flush signs shall comply with the following standards and specifications:

A. Maximum Area

- (1) Residential Zones. Two square feet in area. Multi-family complexes are allowed larger signs in accordance with Section 4.010 (3).
- (2) Shopping Centers. Twenty-five percent of building front maximum.
- (3) Neighborhood Commercial Zones. Twenty-five percent of building front maximum.
- (4) Central Business Zones. Fifty percent of building front maximum.
- (5) General Commercial and Industrial Zones. Fifty percent of building front maximum.
- (6) Highway District. Fifty percent of building front maximum.
- (7) Recreational Commercial Zone. Twenty-five percent of building front maximum.
- (8) Community Facilities Overlay Zone. 48 square foot maximum.

B. Placement and Projection

- (1) The total sign area of all exterior walls shall not exceed the maximum allowed under Section 5.040(A).
- (2) Flush signs may be erected on the face of a building, marquee, canopy, or roof overhang in a place parallel to such face and not extending more than 12 inches therefrom, except that:
  - a. A flush sign may be erected against supporting or

ornamental columns located under an overhanging roof in a place generally parallel to the nearest building face.

b. A flush sign may be attached to the surface of an awning without further projection therefrom.

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

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

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

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

5.120 Service Station Island Signs. Signs in addition to principal and secondary signs to designate type of fuel, promotional sign for fuel only, and fuel price are allowed at the rate of four (4) square feet maximum per pump island. In addition, one sign designating fuel prices may be attached to a pole with the top of the sign not to exceed twelve (12) feet above ground level, with a maximum area of thirty-two (32) square feet.

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

5.130 On-Premise Signs. All on-premise signs must utilize at least fifty percent (50%) of the sign area for advertising the main business on the premises. Signs that contain more than 50% off-premise advertising shall be regulated under Section 5.180.

5.140 Secondary Street Frontage Signs. Secondary frontage signs shall be of a flush type only. Size limits for secondary frontage flush signs are those given in Section 5.040.

5.150 Electric Signs. Electric signs shall bear the

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

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

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

(1) The maximum height above grade shall be 24 feet, but shall be increased to 40 feet in the Highway District.

(2) Outdoor advertising signs shall have metal primary structural members.

(3) Size

A. Primary and Secondary Highways. The maximum number of advertising signs shall not exceed 8 per mile with no more than 5 on one side of the street and no closer than 500 feet apart when measured at right angles to the street or highway centerline to which the sign is oriented. Sign area shall not exceed 672 square feet, with maximum dimensions of 14 feet vertical and 48 feet horizontal.

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

## CHAPTER VI: MAINTENANCE, CONSTRUCTION, AND SAFEGUARDS

### 6.010 MAINTENANCE AND APPEARANCE

### 6.020 DESIGN AND CONSTRUCTION

### 6.030 CLEARANCE AND SAFEGUARDS

6.010 MAINTENANCE AND APPEARANCE. All signs and the site on which they are located shall be maintained in a neat, clean, and attractive condition.

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- (1) Signs shall be kept from excessive rust, corrosion, peeling paint, or other surface deterioration. The display surfaces, trims, frames, and supports of all signs shall be kept neatly painted or otherwise neatly maintained, as applicable.
- (2) On-premise ground signs shall be directly supported by poles or supports in the ground. No external cross-braces, guy wires, "T-frames", "A-frames", "trusses", or similar bracing systems shall be used in constructing a ground sign or free-standing sign.

6.020 DESIGN AND CONSTRUCTION. Except as specified in this ordinance, design, loading, construction, and materials shall be those specified in the Uniform Building Code, as amended by the State of Oregon and adopted by the City of The Dalles.

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

- (1) The installation or erection of any sign requiring the operation of any crane or other equipment must be conducted in a manner so as to maintain a minimum clearance from any and all high-voltage electric power or other type electrical lines, as dictated by the National Electric Safety Code.
- (2) All free-standing sign installers must utilize the "call before you dig" utilities locate service (1-800-332-2344) offered by the Oregon Utilities Coordinating Council to insure clearance from underground utilities.
- (3) 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.

## CHAPTER VII: INSPECTION, ENFORCEMENT, AND VARIANCES

- 7.010 NON-CONFORMING SIGNS
- 7.020 REMOVAL OF NON-CONFORMING SIGNS
- 7.030 SIGNS FOR NON-CONFORMING USES
- 7.040 ADMINISTRATION AND ENFORCEMENT
- 7.050 VARIANCES AND APPEALS

7.010 NON-CONFORMING SIGNS. Signs and advertising structures which do not conform to the provisions of this ordinance but which lawfully existed and were maintained on the effective date of this ordinance shall remain lawful except as provided in this section.

- (1) A non-conforming sign which has been determined by the Building or Zoning Official to be improperly maintained or unsafe shall be removed within 30 days after notice as provided in Section 7.020.
- (2) A non-conforming sign which is a temporary sign shall conform to the provisions of Section 3.010 within 30 days after notice.
- (3) Non-conforming signs which violate the provisions of Section 3.020, Prohibited Signs, shall be removed within 30 days after notice.
- (4) Non-conforming signs which are structurally altered, relocated or replaced shall immediately comply with all provisions of this ordinance.
- (5) Non-conforming signs which have been abandoned or those advertising a business that is no longer conducted in or upon the premises and has not been so conducted for a period of 60 days shall comply with this ordinance or shall be removed within 30 days after notice.

#### 7.020 REMOVAL OF NON-CONFORMING SIGNS.

- (1) Abandoned Signs. Where an advertised business is no longer conducted in or upon the premises on which a sign is located, such sign shall be considered as an abandoned sign subject to removal by the person who owns the sign or the owner of the building, structure, or premises on which the sign is located. The following are not subject to this abandoned sign provision:
  - (a) An advertising sign where a person has merely leased or contracted advertising space thereon.
  - (b) A sign to which the successor to a person's business location or business agrees to maintain as provided in this ordinance by the filing of a letter of intent with the Building or Zoning Official within 30 days after notification of a violation of this provision.
- (2) Procedure for obtaining compliance and removal of non-conforming signs.
  - (a) Notice
    1. Except for signs which the Building or Zoning Official has determined to be unsafe signs which by

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

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

7.030 SIGNS FOR NON-CONFORMING USES. A use which has been determined to be non-conforming pursuant to the City Zoning Ordinance, but which would ordinarily require a sign, if such use were located in an appropriate zoning district, shall be permitted a sign, subject to the requirements of the zone which best fits the non-conforming use, as determined by the Zoning Official.

7.040 Administration and Enforcement.

- (1) Inspection. The Building or Zoning Official under the supervision and control of the City Manager is hereby authorized and directed to enforce this ordinance. Upon the presentation of proper credentials, he may enter at reasonable times into or upon any building or premises in the City to inspect signs or carry out the duties and responsibilities imposed on him by this ordinance. The Building or Zoning Official may inspect or reinspect any sign to determine if it complies with this ordinance.

- (2) Release from liability. Neither the Building or Zoning Official nor the City nor any of its authorized representatives shall be liable for any damages, costs, or expenses for any failure to enforce the provisions of this ordinance.
- (3) Violation. No person shall erect, maintain, or use, nor shall any person in control of any premises, permit the erection, maintenance, or use of any sign which does not conform to and comply with the provisions of this ordinance. Nothing contained in this ordinance is intended to permit the erection or maintenance of any sign in violation of any other ordinances or State or Federal law. Violations of this ordinance shall be subject to the penalties hereinafter provided.
- (4) Penalties. Any person who violates any of the provisions of this ordinance, upon conviction thereof shall be punished by a fine of not more than \$200.00 or by imprisonment for not more than 30 days, or both such fine and imprisonment. Each calendar day that a sign is in violation of this ordinance shall constitute a separate violation.

#### 7.050 VARIANCES AND APPEALS.

- (1) The Planning Commission of the City of The Dalles shall act on all requests for variances and appeals of sign permit determination by the Building or Zoning Official.
- (2) The Planning Commission shall conduct hearings for appeal and variance matters in the same manner and shall apply the same standards as are used for variance hearings conducted pursuant to Zoning Ordinance No. 80-986.
- (3) Except in the case of unsafe signs, no action shall be taken by the Building or Zoning Official under this ordinance pending an appeal or variance request to the Planning Commission and during any further appeal to the City Council.
- (4) Appeals. Any person aggrieved by a determination of the Building or Zoning Official may appeal to the Planning Commission. Upon appeal, the Commission may vary the requirements of this ordinance as permitted herein or it may:
  - (a) Determine the suitability of alternative materials or methods of construction.

- (b) Decide questions arising out of interpretation of the ordinance.
- (5) In exercising its appeal or variance authority, the Commission may attach such conditions to either as it determines to be necessary to achieve the purposes stated in Section 1.030 of this ordinance.

## CHAPTER VIII: SPECIAL PROVISIONS

### 8.010 DISTRICTS OF SPECIAL CONTROL

### 8.020 SEVERABILITY

### 8.030 REPEAL

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

- (1) the area is shown to have, or it is desired to promote, a unique and beneficial display of desirable architectural, historic, or historic area; or
- (2) a group of commercial activities is an intensive commercial area joins together in a cooperative arrangement to sign their occupancies so as to create an unusual or unique display; but only after a plan showing all of the new sign arrangement and a petition of all property owners is presented to the City Planning Commission. After approval by the Commission is received, the plan will be forwarded to the City Council to either: by ordinance designate the district as one of special control, return it to the Planning Commission for correction or further study, or reject the plan.
- (3) Once approved, the plan shall govern sign design, location, number, and size within the special district. However, all other provisions of this ordinance, including but not limited to: permitting, safety, inspection, and enforcement, shall have full force and effect.

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

8.030 Repeal. Ordinance No. 915 is hereby repealed.

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CLEARANCES FOR PROJECTING SIGNS

