

*Established Eighteen Forty-Eight*

# City of Amity Sign Ordinance

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## ORDINANCE NO. 626

### AN ORDINANCE ESTABLISHING REGULATIONS CONCERNING SIGNS AND AMENDING AND REPEALING CERTAIN EXISTING ORDINANCES REGULATING SIGNS IN THE CITY OF AMITY

THE CITY OF AMITY ORDAINS AS FOLLOWS:

#### **Section 1 - Title.**

This chapter shall be known as the "Amity Sign Code."

#### **Section 2 - Purpose.**

The purposes of this chapter are 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, minimize adverse visual safety factors to travelers on public highways and on private areas open to public travel, and
- achieve these purposes consistent with state and federal constitutional limits on the regulation of speech.

To achieve these purposes, it is necessary to regulate the design, quality of materials, construction, location, electrification, illumination, and maintenance of signs that are visible from public property, public rights-of-way and private areas open to public travel.

#### **Section 3 - Definitions.**

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

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

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

The sign is no longer used by the person who constructed the sign. Discontinuance of sign use may be shown by cessation of use of the property where the sign is located;

The sign has been damaged, and repairs and restoration are not started within ninety days of the date the sign was damaged, or are not diligently pursued, once started.

"Alter" means to make a change to a sign or sign structure, including but not limited to, changes in area, height, projection, illumination, shape, materials, placement and location on a site. Altering a sign does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, or exchanging the display panels of a sign.

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

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

“Awning” means a shelter projecting from and supported by the exterior wall of a building constructed of rigid or nonrigid materials on a supporting framework.

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

“Balloon signs” means a sign consisting of a membrane that relies on internal gaseous pressure or a semirigid framework for maintaining its form.

“Banner” means a sign made of fabric or other nonrigid material with no enclosing framework.

“Bench sign” means a sign on an outdoor bench.

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

“Blanketing” means blocking a pedestrian’s or motorist’s view of a projecting or free standing sign by another projecting sign.

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

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

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

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

“Building official” means the building official or his or her designee.

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

“Business complex” means a development consisting of one or more lots sharing appurtenant facilities, such as driveways, parking and pedestrian walkways, and is designed to provide varied products and services at a single location.

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

“Changing Image Sign” means a sign that through the use of: moving structural elements, flashing or sequential lights, lights in a dot matrix or LED configuration, which may be changed intermittently, or other automated method, results in movement, the appearance of movement, or change of sign image, message, or display.

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

“City” means the City of Amity.

“City Engineer” means the city engineer or his or her designee.

“City Administrator” means the city administrator or his or her designee.

“City Recorder” means the city recorder or his or her designee.

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

“Dwelling” means any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation.

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

“Fire marshal” means the fire marshal or his or her designee.

“Flag” means a rectangular piece of fabric of distinctive design that is displayed hanging free from a staff, halyard or building to which it is attached. A flag is often used to display the symbol of the United States, a nation, state, local government, business, organization or a person.

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

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

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

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

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

“Hearing Body” means the planning commission or other body that hears appeals of sign code permits of the City.

“Height” means the vertical distance measured from average grade within 2 feet to the highest attached component of a sign including the supporting structure.

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

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

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

“Interior sign” means a sign erected and maintained inside of a building, including, but not limited to, a sign attached to or painted on the inside of windows. This definition does not include text, pictures, graphics, or similar representations in display windows.

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

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

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

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

changing light bulbs.

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

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

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

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

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

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

“Numeric information sign” means a sign only displaying current numeric measurements such as time, date, temperature, or stock indices.

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

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

“Person” means every person, firm, partnership, association, or corporation.

“Planned unit development” means a tract or tracts of land developed as a planned unit development under city zoning / development ordinances.

“Pole sign” means a sign that is a freestanding sign connected to the ground by one or more supports with the lower edge of the sign separated vertically from the ground by a distance of nine feet or greater as measured from grade.

“Portable sign” means a sign which is not affixed to a building or other structure, or the ground in a permanent manner and is designed to be moved from place to place.

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

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

“Public right-of-way” means travel area dedicated, deeded or under control of a public agency, including but not limited, to highways, public streets, bike paths, alleys and sidewalks.

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

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

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

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

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

“Seasonal holiday decorations” means every type of decoration displayed during and around a federally recognized holiday or on a seasonal basis, whether illuminated or not, and whether

attached to utility poles, buildings or any other structure.

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

**“Sign”** means any writing, video projection, illumination, pictorial representation, illustration, decoration, emblem, symbol, design, trademark, banner, flag, pennant, captive balloon, streamer, spinner, ribbon, sculpture, statue, or any other figure or character that:

1. Is a structure or any part thereof (including the roof or wall of a building);  
or
2. Is written, printed, projected, painted, constructed, or otherwise placed or displayed upon or designed into a structure or an outdoor screen or monitor, or a board, plate canopy, awning, marquee, or a vehicle, or upon any material object, device, or surface whatsoever; and
3. Communicates, or is designed to communicate on any subject whatsoever.

**The scope of the term “sign” does not depend on the content of the message or image being conveyed.**

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

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

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

**“Sign copy”** means the message or image conveyed by a sign.

**“Sign face”** means the sum of the surfaces of a sign face as seen from one plane or elevation included within the outer dimensions of the sign board, frame or cabinet. A globe type surface shall count as 2 faces.

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

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

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

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

**“Subdivision”** means a site with four or more lots.

**“Supporting structure”** means a structure specifically intended for supporting or containing a sign.

**“Suspended sign”** means a sign suspended from the underside of a canopy, awning, eve, or marquee.

**“Temporarily attached”** means attached to a building, structure, vegetation or the ground in a manner than is easily removable.

**“Temporary business”** means a temporary business as defined by the City of Amity Municipal Code.

**“Temporary sign”** means a sign that is temporarily attached to a building, structure, vegetation, or the ground. Temporary signs include, but are not limited to, A-frames, banners, flags, pennants, balloons, blimps, streamers, lawn signs and portable signs.

**“Transportation system plan (TSP)”** means that portion of the City of Amity Comprehensive

Plan that implements the State of Oregon Transportation Planning Rule OAR 660-012.

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

“Unlawful sign” means a sign that does not conform to the provisions of this code and is not a non-conforming sign.

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

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

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

“Vision clearance area” means a triangular area on lot at the intersection of two streets or a street and a railroad, alley, or driveway as defined and measured in Amity Zoning Ordinance.

“Wall sign” means a sign that is painted on a wall of a building, or a sign attached to the wall of a building and extending no more twelve inches from a wall, or attached to or erected against a roof with a slope not more than 20 degrees from vertical, with the exposed face of the sign in a plane that is vertical or parallel to the plane of that roof, and which does not project more than 18 inches from the wall or roof. Window signs that are permanently attached to the outside of a window are wall signs.

“Window sign” means a sign attached to, or painted on a window, or displayed inside the building within six [6”] inches of a window or building openings so that it is viewable from the outside of the building.

“Zoning / development ordinance” means City of Amity Development Code 2000.

#### **Section 4 - General requirements.**

A. Except as provided in Section 2.206.025 of this chapter, no person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the Amity Sign Code.

B. Except as provided in Section 2.206.040 of this chapter, no person shall erect, construct or alter a sign, or permit the same to be done, unless a sign permit has been issued by the city. A sign permit for the construction and continued use of a sign is subject to the terms and conditions stated in the permit and to the Amity Sign Code.

C. An application for sign permit approval is subject to the procedures set forth in Section 2.206.130 of this chapter.

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

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

F. The Amity Sign Code is not intended to, and does not restrict speech on the basis of its content, viewpoint or message. Any classification of signs in this chapter that permits speech by



reason of the type of sign, identity of the sign user or otherwise, shall permit any type of speech on the sign. No part of this chapter shall be construed to favor commercial speech over noncommercial speech. To the extent any provision of this chapter is ambiguous, the term shall be interpreted to not regulate on the basis of speech content, and the interpretation resulting in the least restriction on the content of the sign message shall prevail.

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

### **Section 5 - Exempt signs.**

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

All signs which are placed inside a structure or building, and which are either not visible through windows or building openings, or are not intended to be visible from outside of the structure or building

### **Section 6 - Prohibited signs.**

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

- A.** Abandoned signs;
- B.** Billboards;
- C.** Video signs;
- D.** Any sign constructed, maintained or altered in a manner not in compliance with the Amity Sign Code;
- E.** Any nonpublic sign constructed or maintained which, by reason of its size, location, movement, coloring or manner of illumination may be confused with or construed as a traffic control device or which hides from view any traffic control device;
- F.** Any sign constructed in such a manner or at such a location that it will obstruct access to any fire escape or other means of ingress or egress from a building or an exit corridor, exit hallway or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire;
- G.** Any sign located in a manner which could impede traffic on any street, alley, sidewalk, bikeway or other pedestrian or vehicular travel way;
- H.** Any sign equipped with moving, rotating or otherwise animated parts, except athletic scoreboards permitted under Section 2.206.040;
- I.** Any sign that is wholly or partially illuminated by a flashing or intermittent light, lights, lamps, bulbs, or tubes. Rotary beacon lights, zip lights, strobe lights, or similar devices shall not be erected or maintained, or attached to or incorporated in any sign;
- J.** Any nonpublic sign within the vision clearance area provisions contained in the zoning / development ordinance;
- K.** Any sign attached to a tree or a plant, a fence or a utility pole, except as otherwise allowed or required by the Amity Sign Code or other chapters of the city code;
- L.** Any sign within or over any public right-of-way, or located on private property less than two feet from any area subject to vehicular travel, except for:
  - 1. Public signs, (includes banners over the public right-of-way, with the approval of the controlling jurisdiction).
  - 2. Temporary signs specifically allowed within the public right-of-way under Section 2.206.045 of this chapter;
- M.** Temporary signs, including banners, pennants, and wind signs, except as authorized by Section 2.206.040 or 2.206.045 of this chapter.

- N. Unlawful signs.
- O. Any sign which is judicially determined to be a public nuisance.

#### **Section 7 - Nonconforming signs.**

**A. Nonconforming signs may continue in use, subject to the restrictions in this subsection: Any sign constructed made nonconforming by a provision of the sign code may be maintained for a period ending no later than four years from the date such sign becomes non-conforming,**

1. General Requirements for non-conforming Signs.
  - a. A non-conforming sign shall not be:
    1. Modified, unless the modification brings the sign into compliance with this chapter. A change of copy is allowed, except that any change in a wall sign which is painted on a structure shall comply with applicable code section for the zone.
    2. Expanded.
    3. Relocated.
  - b. A non-conforming sign may undergo normal maintenance, except:
    1. Normal maintenance" excludes major structure repairs designed to extend the useful life of the non-conforming sign.
    2. If a non-conforming sign is damaged by wind, fire, neglect or by any other cause, and such damage exceeds 60% of its replacement value, the non-conforming sign shall be removed.
    3. Upon change of use of a business or premise, a non-conforming sign shall be brought into compliance with applicable code section for the zone within one-hundred-eighty (180) days.
    4. No additions or enlargements may be made to a non-conforming sign except those additions or enlargements that are required by law.
5. Abandoned signs shall not be permitted as nonconforming signs.

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

**C. Continuation of non-conforming sign as public nuisance; removal and abatement.**

1. The continuation of any nonconforming sign beyond the time period(s) set forth in this Subsection A of this section is hereby declared to be a public nuisance and shall be removed within thirty days after a written notice for removal has been posted on the property upon which the sign is located, and a copy sent by certified mail, postage prepaid, to the sign owner and land owner, if different. Such notice shall state the particulars of the violation and require removal of the sign upon or before a date specified in the notice, but not less than thirty days after such posting and mailing, and that written objections to such removal may be filed with the city administrator on or before such date. If the non-conforming sign is not removed on or before the date specified in the notice, and if no written objections to such removal are filed, the city administrator may cause the removal thereof at the expense of the owner of the real property upon which such sign is located.

2. Upon receipt of timely filing of objections, the non-conforming sign shall remain in place. A hearing upon the objections shall be held before the city council. Notice of the time, date and place of the hearing shall be personally delivered, or mailed by certified mail, postage prepaid, to the person filing such objections at the address provided in the

objections, at least ten days prior to the hearing. Any non-conforming sign ordered removed by the city council shall be removed within thirty days after notice of the removal order has been mailed to such objector, and if not removed within such time, the city administrator shall cause the removal to be made at the expense of the owner of the real property upon which such sign is located.

#### **Section 8 - Exemptions from requirement for permit.**

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

- A.** Signs (including name plates and dates of erection of buildings) on multifamily residential, commercial, industrial, or institutional buildings when the sign is cut into the surface or the facade of a building, or when it is constructed of stone, masonry, bronze or other noncombustible material and projects no more than two inches from a building, so long as the cumulative sign face(s) are eight square feet or less in area;
- B.** One indirectly illuminated or nonilluminated sign not exceeding one and one-half square feet in area placed on any nonmultifamily residential lot. This type of sign is typically used as a name plate;
- C.** Flags;
- D.** Vehicle signs;
- E.** Signs displayed upon a bus or light rail vehicle owned by a public transit district;
- F.** Historical sign or historical or landmark markers;
- G.** Seasonal holiday decorations on private property;
- H.** Handheld signs;
- I.** A sign up to six square feet constructed or placed within a parking lot, for each 1,000 square feet of parking area. These signs are typically used to direct traffic and parking;
- J.** Any public notice required by federal, state or local law, regulation or ordinance;
- K.** Sign within the public right-of-way that is erected by a governmental agency, utility or contractor doing authorized work within the right-of-way;
- L.** A sign that does not exceed eight square feet in area and six feet in height, and is erected on property where there is a danger to the public or to which public access is prohibited;
- M.** Nonilluminated interior signs in nonresidential sign districts designed primarily to be viewed from a sidewalk or street provided the sign does not obscure more than twenty-five percent of any individual window;
- N.** Illuminated interior signs in nonresidential districts designed primarily to be viewed from a sidewalk or street, provided the sign face is less than four square feet in area;
- O.** One suspended sign for each principal use erected on property which is not considered public right-of-way, under an attached first floor awning or canopy upon a building with direct exterior pedestrian access, provided the sign does not exceed six square feet in area and has a minimum of eight feet of clearance;
- P.** An exterior sign erected next to an entrance, exit, rest room, office door, or telephone, provided the sign is no more than four square feet in area. This type of sign is typically used to identify and locate a property feature;
- Q.** Signs located within a sports stadium or athletic field, or other outdoor assembly area which are intended for viewing by persons within the facility. The signs shall be placed so as to be oriented towards the interior of the field and the viewing stands;

- R. Signs incorporated into vending machines or gasoline pumps;
- S. Temporary signs as allowed under Section 2.206.045 of this chapter;
- T. Public signs.
- U. Utility signs.
- V. Signs for hospital or emergency services, and railroad signs.
- W. One banner sign on each frontage. Sign can be no wider than 24 inches wide and may only be displayed when business is open.
- X. Signs continuously displayed in their current location since 1985 are deemed to be historical and may remain as long as they are kept in good repair.

### **Section 9 - Temporary signs.**

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

1. No temporary sign shall be internally illuminated or be illuminated by an external light source primarily intended for the illumination of the temporary sign.
2. A temporary sign shall be attached to the site or constructed in a manner that both prevents the sign from being easily removed by unauthorized persons or blown from its location and allows for the easy removal of the sign by authorized persons.
3. Except as provided in this code, temporary signs shall not be attached to trees, shrubbery, utility poles or traffic control signs or devices.
4. No temporary sign shall be erected or maintained which, by reason of its size, location or construction constitutes a hazard to the public.

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

1. Signs not exceeding six square feet in area or four feet in height during the period from one hundred twenty days before a public election or the time the election is called, whichever is earlier, to five days after the public election
2. One temporary sign not exceeding six square feet in area and four feet in height which is erected for a maximum of eight days in any calendar month and is removed by sunset on any day it is erected.
3. A sign not exceeding six square feet in area and five feet in height during the time of sale, lease or rental of the lot or dwelling] provided that the sign is removed within fifteen days of the sale, lease or rental of the lot or dwelling,
4. A sign not exceeding six square feet in area during the time of construction or remodeling of the property, provided the sign is removed within seven days of the completion of any construction or remodeling. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously. On lots of more than two acres, the sign area may be increased to thirty-two square feet. In no case shall the sign or signs be erected for more than twelve months.
5. On property which has received subdivision or development approval from the city, from that approval until issuance of a building permit for the last lot to be sold or completion of the development project, one temporary sign not exceeding thirty-two square feet in area and eight feet in height on properties less than four acres in size or two temporary signs not exceeding sixty-four square feet in area each and eight feet in height

on properties greater than four acres in size.

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

1. Signs not exceeding four square feet in area and five feet in height, during the period from one hundred twenty days before a public election or the time the election is called, whichever is earlier, to five days after the public election.

2. A sign not exceeding thirty-two square feet in area and eight feet in height during the time of sale, lease or rental of the property provided that the sign is placed on the property for sale, lease, or rental and removed within fifteen days of the sale, lease or rental of the property, or a sign not exceeding thirty-two square feet in area and eight feet in height during the time of construction and remodeling of the property, provided the sign is placed on the property where construction and remodeling is taking place and removed within seven days of the completion of any construction or remodeling. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously. In no case shall the sign or signs be erected for more than twelve months.

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

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

1. The following temporary signs shall be permitted in the right-of-way without issuance of a permit and shall not affect the amount or type of signage otherwise allowed by this chapter. No temporary sign in the right-of-way shall interrupt the normal flow of vehicle, pedestrian or bicycle traffic and shall provide a minimum of five feet of clear passage for pedestrians on a sidewalk where a signs allowed in the right-of-way shall include:

a. Signs owned or erected by a governmental entity;

b. Signs on public sidewalks in all LI districts and adjacent to commercial uses in the GC districts which comply with the following standards:

1. Any temporary sign is placed on the sidewalk not less than one or more than three feet behind the curb or within the designated frontage zone, and

2. Any temporary sign is present only during the business hours of the responsible enterprise, and

3. Any temporary sign placed elsewhere than directly adjacent to the primary use shall be placed only with the written consent of the property owner of the adjacent property. No more than one temporary sign shall be placed in the public right-of-way adjacent to any property frontage on a single street;

c. Portable signs limited to a maximum of six square feet in area and three feet in height, displayed only on weekends and holidays, placed at street

intersections in relative close proximity to a property for sale or lease during the time of that display. One single sign for each property or

development shall be permitted at each intersection and shall be positioned as to be no closer than two feet from areas subject to vehicular travel;

d. Bench signs located at mass transit stops so long as the bench sign copy does not exceed fifteen square feet and the bench sign is approved by the owner;

e. Signs attached to mass transit shelters which are approved by the mass transit agency and the owner.

2. Temporary banners or seasonal holiday decorations which extend over a roadway or are attached to utility or streetlight poles shall be permitted in the right-of-way upon issuance of a permit in accordance with the procedures set out in Sections 2.206.130 and 2.206.135 of this chapter and shall comply with the following standards:

a. Banners or decorations which extend over a roadway shall not exceed sixty square feet in area. Banners which are attached to a single utility or streetlight poles shall not exceed twelve square feet in area.

b. Temporary banners or decorations shall be permitted only if the applicant is conducting an event or activity in the City of Amity that has been identified as a community event by the Amity City Council.

c. Applicants requesting temporary banners placed over rights-of-way controlled by other agencies other than the City of Amity shall obtain written consent from the appropriate agency regarding the proposed banner(s) prior to submittal of an application for a sign permit. The consent shall identify any restrictions desired by the owner of the right-of-way.

d. Banner(s) shall be removed within two days of the applicant's event or activity giving rise to the permit.

#### **Section 10 - Sign districts—General.**

A. The following sign districts are created and applied to designated land. No permit shall be issued for any sign unless specifically allowed as an allowed sign under the terms of the applicable sign district or otherwise allowed as a nonconforming sign under Section 2.206.035 or exempted under Section 2.206.040 of this chapter. Any particular limitation in a sign district regulation shall not be construed to exclude the applicability of other restrictions imposed under this chapter.

B. The sign districts shall be as follows:

1. The residential sign district includes all land within the R-1, R-2, and R-3 districts.

2. The commercial/industrial sign district includes all land within the GC, LI districts.

#### **Section 11 - Residential sign district.**

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

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

Signs within the residential sign district are limited as follows and require issuance of permits under Section 2.206.130 of this chapter.

1. Monument and Ground-Mounted Signs.

a. In multifamily developments, one double-faced monument sign, or not more than two single-faced monument signs on either side of a vehicular entrance shall be permitted on the primary street frontage. Sign area shall not exceed sixteen square feet for each sign face. Where a complex has multiple street frontages, this signage may be permitted on each building frontage that abuts a street.

b. In subdivisions, not more than two single-faced monument signs for a subdivision or planned unit development having twenty or more lots may be permitted on either side of a public right-of-way or private street tract entrance. Sign area shall not exceed sixteen square feet for each sign face.

c. For commercial and office uses, churches, schools, public/semipublic facilities, and privately owned community centers; one single- or double-faced monument sign shall be permitted for each such facility. Where such a facility has multiple street frontages, this signage may be permitted on each frontage. Sign area shall not exceed sixteen square feet for each sign face.

2. Bulletin Boards.

a. For schools, churches, public and semipublic facilities, and privately owned community centers, one single- or double-faced bulletin board may be incorporated into an approved monument sign. Sign area for a bulletin board shall not exceed twenty-four square feet for each sign face.

b. For commercial and office uses in residential districts, one single- or double-faced bulletin board per site may be incorporated into an approved monument or ground-mounted sign. Sign area of the bulletin board portion of the sign shall not exceed sixty-five percent of the total sign face.

3. Wall Signs.

a. For commercial uses permitted in residential districts, one wall sign for each tenant occupancy shall be permitted. Sign area for all wall signs shall not exceed eight percent of the building elevation area, with a maximum individual sign face area of fifty square feet on primary frontages. Sign area for all wall signs shall not exceed six percent of the building elevation area on secondary frontages, with a maximum individual sign face area of twenty-five square feet.

b. For churches, schools, and public/semipublic facilities, one wall sign for each building frontage shall be permitted. Sign area for all wall signs shall not exceed eight percent of the building elevation area with a maximum individual sign face area of fifty square feet on primary frontages, and six percent of the building elevation area on secondary frontages, with a maximum sign face area of twenty-five square feet.

c. For commercial and office uses in residential districts, total sign face area for all primary building-mounted wall signs shall not exceed twelve percent of the building elevation area with a maximum individual sign face area of one hundred square feet. Where the use has multiple frontages, the signage on secondary frontages shall not exceed eight percent of the building elevation area with a maximum sign face area of fifty square feet. No more than two wall signs shall be

permitted on the primary building frontage. Only one wall sign shall be permitted on the secondary frontage.

4. Awning Signs.

a. For commercial uses permitted in residential districts, one awning sign for each building frontage shall be permitted. Total sign area including wall signs shall not exceed twelve percent of the building elevation area, with a maximum sign face area of fifty square feet on primary frontages, and eight percent of the building elevation area on secondary frontages, with a maximum sign face area of twenty-five square feet.

b. For churches, schools, and public/semi-public facilities, one awning sign for each building frontage shall be permitted. Total sign area including wall signs shall not exceed twelve percent of the building elevation area, with a maximum sign face area of fifty square feet on primary frontages, and eight percent of the building elevation area on secondary frontages, with a maximum sign face area of twenty-five square feet.

**B. Maximum Sign Height.**

Monument signs shall be no more than six feet in height. Ground-mounted signs shall be no more than twelve feet in height.

**C. Illumination.**

Except for monument signs in the residential district, athletic scoreboards, bulletin boards, and wall signs permitted in the residential districts, any illumination of signs in the residential sign district shall be indirect. The illumination of signs within the residential sign district shall comply with the standards contained in Section 2.206.120 of this chapter.

**Section 12 - Commercial/industrial sign district.**

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

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

Signs within the commercial/industrial sign district are limited as follows and require the issuance of permits under Section 2.206.130 of this chapter:

1. Monument or Ground-Mounted Signs.

a. For principal uses, one single- or double-faced monument or ground-mounted sign shall be permitted for each lot along the primary street frontage. Where a use has multiple street frontages, this signage may be permitted along each frontage building frontage that abuts a street. Sign area shall not exceed forty square feet for each sign face.

b. For churches, schools, and public/semipublic facilities, one single- or double-faced monument sign shall be permitted for each such facility. Where such a facility has multiple street frontages, this signage may be permitted on each frontage. Sign area shall not exceed forty square feet for each sign face.

2. Wall Signs.

For a principal use, the total sign face area for all building-mounted wall signs, including multiple signs for multiple tenants, shall not exceed eight percent of the building elevation area on the primary frontage, with a maximum individual sign face area of one hundred twenty square feet. Where the use has multiple building frontages, the total signage area on secondary building frontages shall not exceed six percent of the building elevation area, with a maximum individual sign face area of sixty square feet.

3. Awning Signs.

For principal uses, the total sign face area for awning signs and wall signs



shall not exceed twelve percent of the building elevation area on the primary frontage, with a maximum sign face area of one hundred twenty square feet. Where the use has multiple frontages, the signage on secondary building frontages shall not exceed eight percent of the building elevation area, with a maximum sign face area of sixty square feet.

4. Numeric Information Signs.

For principal uses, one single or double faced time, numeric information sign with a maximum of six square feet shall be permitted.

5. Bulletin Boards.

a. Schools, churches and public and semipublic facilities, one single- or double-faced bulletin board may be incorporated into an approved monument or ground-mounted sign. Maximum sign area for a bulletin board shall not exceed twenty-four square feet for each sign face.

b. Theater Marquees. One single-faced bulletin board, or one double-faced bulletin board constructed so that the two faces connect at one end with an angle of forty-five degrees or more, may be incorporated into a theater marquee. Maximum sign area for the bulletin board shall not exceed twelve percent of the building elevation area on the primary frontage, with a maximum sign face area of one hundred twenty square feet. The total combined area of theater marquee bulletin boards, awning signs and wall signs shall not exceed the maximum percentage of building elevation area permitted for the building elevation.

6. Banner Signs and Balloon Signs.

a. Principal Use. One banner sign or one balloon sign shall be permitted for each principal use and shall be limited to a display period of a maximum of thirty continuous days twice during the calendar year. Maximum sign area shall not exceed fifty square feet, as calculated pursuant to Section 2.206.080(A) of this chapter.

b. Temporary Business. One banner sign or one balloon sign shall be permitted for a temporary business and shall be allowed for the same duration as the temporary business. Maximum sign area shall not exceed fifty square feet for a banner sign. Sign area for a balloon sign shall be calculated pursuant to Section 2.206.080(A) of this chapter.

7. Electronic Message Signs.

a. For principal uses, one single- or double-faced electronic message sign per site may be incorporated into an approved monument or ground-mounted sign. Sign area of the electronic message portion of the sign shall not exceed fifty percent of the total sign face.

b. For major or minor business complexes, one single- or double-faced electronic message sign per complex may be incorporated into a monument or ground-mounted sign. Sign area of the electronic message portion of the sign shall not exceed fifty percent of the total sign face.

8. Illuminated Interior Signs.

a. For principal uses, one or more illuminated interior signs may be installed into the windows facing a public street or sidewalk. Sign area of individual illuminated interior signs shall not exceed four square feet; and the cumulative area of two or more illuminated interior signs installed in windows on the same building elevation shall not exceed fifteen percent of the overall window area on that elevation.

b. For major or minor business complexes, one or more illuminated interior signs may be installed into the windows facing a public street or sidewalk. Sign area of

individual illuminated interior signs shall not exceed four square feet; and the cumulative area of two or more illuminated interior signs installed in windows on the same building elevation shall not exceed fifteen percent of the overall window area on that elevation.

9. Projecting Signs.

For principal uses, one or more projecting signs shall be permitted per use.

Maximum sign area shall not exceed twenty square feet. Total sign area for

wall and projecting signs shall not exceed twelve percent of the building elevation area on the primary frontage. Where the use has multiple frontages, total sign area for wall and projecting signs on secondary building frontages shall not exceed six percent of the building elevation area.

**B. Maximum Sign Height.**

1. Monument signs shall be no more than six feet in height.
2. Ground-mounted signs shall be no more than twelve feet in height.
3. The overall height of a balloon sign, if installed on the ground, shall not exceed the height of the lowest building on the site. If installed on top of a building, the height of the balloon sign above the roof of the building shall not exceed a distance equal to the height of the building above grade.

**C. Illumination.**

Illumination of signs within the commercial sign district shall meet the standards contained in Section 2.206.125 of this chapter.

**Section 13 - Measurements.**

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

**A. Sign Area.**

1. Sign area shall be measured within lines drawn between the outermost dimensions of the frame or cabinet surrounding the display area containing the sign copy. When signs are not framed or on a base material and are inscribed, painted, printed, projected or otherwise placed upon, or attached to a building, canopy, awning or part thereof, the sign area is the smallest possible space enclosing the sign copy that can be constructed with straight lines. Where a sign

is of a three-dimensional, round, or irregular solid shape, the largest cross-section shall be used in a flat projection for the purpose of determining sign area.

2. The area of all signs in existence at the time of enactment of the ordinance codified in this chapter, whether conforming or nonconforming, shall be counted in establishing the permitted sign area.

3. When signs are constructed in multiple separate pieces containing sign copy, sign face area is determined by a perimeter drawn in straight lines, as small as possible, around all pieces.

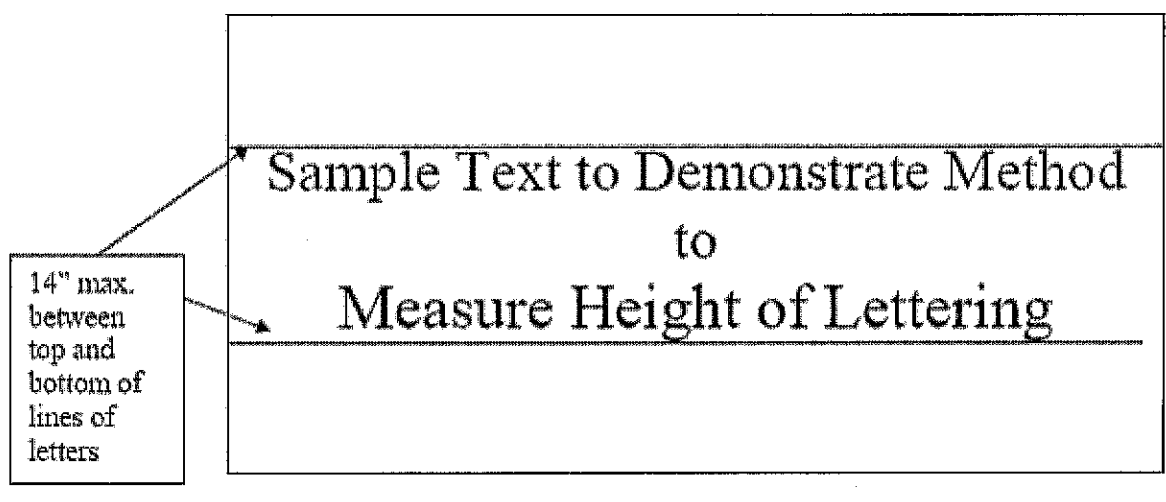
**B. Height.**

1. Height of sign above grade is measured from the average level of the grade below the sign to the topmost point of the sign including the supporting structure.

2. Where there is a limitation on the size of lettering, the lettering shall be measured cumulatively in height. See graphic below.

TABLE 1

**METHOD OF MEASURING HEIGHT OF LETTERING FOR CORNICE SIGNS**



**C. Clearance.**

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

**D. Spacing.**

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

**Section 14 - Projecting signs.**

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

- A.** The sign is attached to the face of a building where the building face is located within five feet of the property line abutting a street.
- B.** No external cross braces, guy wires, trusses, or similar bracing systems are used in constructing the sign.
- C.** The sign extends no more than eight feet from the building face and shall be no less than 8.5 feet above the ground under the projecting sign.
- D.** The sign does not project above the roof line or parapet wall, whichever is higher.
- E.** Projecting signs shall conform to all provisions of this section which are designed to provide safe minimum clearance along public sidewalks and streets. The sign must have a minimum of eight and one-half (8.5) feet clearance from the ground. The outer edge of the projecting sign must be set back a minimum of two feet from the curbline.
- F.** Spacing between an earlier erected and any later erected projecting sign shall be a minimum of twenty feet.

**Section 15 - Wall signs.**

- A.** A wall sign shall not project more than eighteen inches from the wall to which it is attached. A wall sign located on an alley frontage shall not project more than twelve inches from the wall to which it is attached and shall have fifteen feet of clearance.
- B.** A wall sign shall not project above the roof line, or top of the parapet wall, whichever is higher.
- C.** No external braces, guy wires, "A" frames, or similar bracing systems shall be used in constructing a wall sign.
- D.** The height of a wall sign attached to the end or face of a marquee shall not exceed thirty inches. The lower edge of this sign shall not extend below the marquee.

- E. Wall signs on mansard roofs of thirty degrees or less may be installed vertically if solid background is used.
- F. Wall signs shall be placed within the sign band.

#### **Section 16 - Freestanding signs.**

- A. No part of a freestanding sign shall be erected or maintained within three feet of a street front property line, or within five feet of a side lot line,
- B. No part of a freestanding sign shall project or extend into any public right-of-way.
- C. Except as provided in this subsection, no freestanding sign shall project or extend into any vision clearance area. One or two sign poles supporting a freestanding sign may be located within the vision clearance area if they are necessary for the support of the sign, and if no other portion of the sign is located within the vision clearance area between two feet and ten feet overgrade.
- D. A freestanding sign shall be directly supported by poles or foundation supports in or upon the ground. No external cross braces, guy wires, "T" frames, "A" frames, "trusses," or similar bracing systems shall be used to buttress, balance, or support a freestanding sign.
- E. Only one freestanding sign is allowed for each street frontage.
- F. A minimum of nine feet in clearance is required in areas accessible to vehicles. The lowest point of these signs may be less than nine feet above grade in areas not accessible to vehicles when the signs are protected from physical damage by the installation of bumper poles or other ground protections.
- G. Freestanding signs permitted in a commercial/industrial sign district shall not be located closer than fifty linear feet from the property line of any single family residential or multifamily residential zoned property, as measured along the street frontage.

#### **Section 17 - Awning signs.**

- A. Awning signs are permitted only as an integral part of the awning to which they are attached or applied.
- B. The awning supporting structure shall maintain a clearance of eight feet.
- C. An awning shall not extend to within two feet from the curb. An awning shall not project above the roof line.
- D. The awning sign shall extend no more than eight feet from the building face.

#### **Section 18 - Changing Image Signs**

- A. Changing images permitted under this chapter shall comply with the following standards and all other applicable requirements under this code or other applicable law:

- 1. The sign is constructed, established, operated, or otherwise function in such a way that the message or display changes no more frequently than every two (2) minutes;

- 2. The changing image sign may not be more than forty (40) square feet, whether the changing image is stand alone or a part of a more comprehensive or aggregate sign; and

- 3. Subject to subsection 4 of this section, the changing image sign must be constructed, established, operated, or otherwise function in such a way as to not exceed the following illumination limitations:

- a. For a sign comprised of red only, the intensity level (NIT) may be no more than 3,130 in the daytime and 1,125 in the nighttime;

- b. For a sign comprised of green only, the intensity level (NIT) may be no more than 6,300 in the daytime and 2,250 in the nighttime;

- c. For signs comprised of amber only, the intensity level (NIT) may be no

more than 4,690 in the daytime and 1,675 in the nighttime; and

d. For signs with full color, the intensity level (NIT) may be no more than 7,000 in the daytime and 2,500 in the nighttime; and

4. The permittee shall submit to the building official a written certification from the sign manufacturer, stating that the light intensity of the sign has been factory pre-set not to exceed the levels specified in subsection (3) of this section, and the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the city.

5. No other flashing light is permitted on the same side of a sign containing a changing image sign.

**B.** Electronic message signs permitted under this chapter shall comply with the following standards and all other applicable requirements under this code or other applicable law:

1. The rate of change for sign copy from one message to another message shall be no more frequent than every eight seconds and the actual copy change shall be accomplished in four seconds or less. Once changed, the copy shall remain static until the next change.

2. Displays may travel horizontally or scroll vertically onto electronic message signs, but must hold in a static position after completing the travel or scroll.

3. Electronic message signs requiring more than four seconds to change from one copy to another shall be turned off during the change interval.

4. Sign copy shall not appear to flash, undulate, pulse, or portray explosions, fireworks, flashes of lights, or blinking of chasing lights. Copy shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on, or leaves the sign face.

5. No electronic message sign lamp may be illuminated to a degree of brightness that is greater than necessary for visibility. In no case may the brightness exceed eight thousand nits or equivalent candelas during daylight hours, or one thousand nits or equivalent candelas between dusk and dawn. Signs found to be too bright shall be adjusted or removed as directed by the city administrator.

## **Section 19 - Construction and maintenance standards.**

**A.** All permanent signs shall be constructed and erected in accordance with the requirements of the Uniform Building Code.

**B.** All illuminated signs must be installed by a state-licensed sign contractor, subject to the requirements of the State Electrical Code. All electrically illuminated signs shall be listed, labeled, and tested by a testing agency recognized by the State of Oregon.

**C.** Building and electrical permits shall be the responsibility of the applicant. Prior to obtaining building and electrical permits, the applicant shall obtain a sign permit or demonstrate an exception from the permit requirements of this chapter.

**D.** All signs, together with all of their supports, braces, guys, and anchors shall be kept in good repair and be maintained in a safe condition. All signs and the site upon which they are located shall be maintained in a neat, clean, and attractive condition. Signs shall be kept free from excessive rust, corrosion, peeling paint or other surface deterioration. The display surfaces of all signs shall be kept neatly painted or posted. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed.

**E.** No sign shall be erected or maintained in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, or standpipe. No signs shall be erected or maintained so as to obstruct any building opening to such an extent that

light or ventilation is reduced below minimums required by any applicable law or provisions of this code.

## **Section 20 - Illumination—General restrictions.**

- A.** No sign, light, lamp, bulb, tube, or device shall be used or displayed in violation of this section.
- B.** No light source shall create an unduly distracting or hazardous condition to a motorist, pedestrian or the general public. Lighted signs shall be placed, shielded or deflected so as not to shine into residential dwelling units or structures, or impair the road vision of the driver of any vehicle.
- C.** External light sources for a sign shall be directed and shielded to limit direct illumination of any object other than the sign.
- D.** Except for holiday seasonal decorations, temporary signs shall not be illuminated.
- E.** The illumination of signs shall comply with the following standards:
  - 1. No exposed reflective type bulb, par spot nor incandescent lamp, which incandescent lamp exceeds twenty-five watts, shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.
  - 2. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed three hundred milliamperes rating for white tubing nor one hundred milliamperes rating for any colored tubing.
  - 3. When fluorescent tubes are used for interior illumination of a sign such illumination shall not exceed:
    - a. Within residential sign districts, illumination equivalent to four hundred twenty-five milliamperes rating tubing behind a sign face with tubes spaced at least seven inches, center to center;
    - b. Within commercial or industrial sign districts, illumination equivalent to eight hundred milliamperes rating tubing behind a sign face spaced at least nine inches, center to center.

## **Section 21 - Sign permit application.**

- A.** Except as provided in this chapter, a permit is required to erect, construct, repair or alter a sign. If a sign is for a new development that requires development review under Amity zoning / development, then the sign shall be reviewed as part of the development review process prior to approval of a sign permit.
- B.** An application for a sign permit shall be made on a form prescribed by the city administrator and shall be filed with the city. The application shall be filed by the owner of the sign or a representative of the sign's owner. A separate sign permit application is required for each sign, unless a combined application for all signs in a proposed development is proposed. The application shall include information required by the city administrator and the following:
  - 1. A sketch of the site, drawn to scale, showing the approximate location of existing structures, existing signs, and the proposed sign;
  - 2. Building frontage elevations drawn to scale, showing the sign's relative location and placement;
  - 3. An illustration of the proposed sign, drawn to scale, showing the design, elevations, sign face dimensions and area, materials and engineering data which demonstrates its structural stability. The illustration of the proposed sign need not show the sign message, but shall show the size, style, and design of the lettering, numbers, and

graphics conveying any message. The content of any message shall not be considered in the evaluation of a sign permit application;

4. The names and addresses of the applicant, the owner of the property on which the sign is to be located, the manufacturer of the sign and the person installing the sign, and the construction contractor's board number of the installer. The owner of the property on which the sign is to be located shall sign the sign permit application;

5. A fee in the amount set by council resolution. When a person begins construction of a sign requiring a sign permit before the permit is approved, the permit fee shall be doubled.

C. When deemed necessary by the building official, building or electrical permits shall be obtained as a part of the sign permit process.

D. The city administrator shall grant or deny the sign permit application based upon the information submitted with the application and other information obtained by or submitted to the city. If a decision is not made within 21 days of the submission of a complete application, the applicant may temporarily install the sign as requested, at the applicant's risk for costs of removal, until such time as the City's decision is issued and is final.

E. A sign permit application shall be approved if:

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

2. The applicable permit fee has been paid.

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

G. If the sign does not conform to the building code after inspection, the sign will be subject to removal under Section 2.206.160 of this chapter.

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

## **Section 22 - Adjustments.**

A. Adjustments to the numeric standards of this section shall be allowed only in compliance with this subsection. Adjustments may be requested to allow relocation of a sign, on the subject property, reducing the height of a sign, or enlarging the area of a sign. Adjustments allowing the use of prohibited signs, or allowing signage other than that specifically allowed by this code, are not permitted.

B. Requests for adjustments shall be filed with the city, on a form provided by the planning department, and accompanied by a fee as approved by the city council. The request shall include the information required for a sign permit, as specified in Section 2.206.125(B) of this chapter,

the specific standard from which the adjustment is requested, and the numeric amount of the adjustment, and written responses to the following approval criteria:

1. Compliance with the applicable standard would create an unnecessary hardship due to physical conditions of the property (topography, lot size or shape, or other circumstances over which the applicant has no control), which are not present on other properties in the same vicinity or sign district, and the adjustment is necessary to permit signage comparable with other properties in the same sign district in the vicinity;

2. The hardship does not result from actions of the applicant, owner(s) or previous owner(s), or from personal circumstances of the applicant, owner(s) or previous owner(s), such as physical condition, age or financial situation; and

3. Approval of the adjustment will not adversely affect the function or appearance of the development and use of the subject property and surrounding properties; and will not impose limitations on other properties and signage in the area including signage that would be allowed on adjacent properties.

**C.** The planning commission shall conduct a public hearing on the request for adjustment. The planning commission shall approve, approve with conditions, or deny the adjustment, based upon the evidence at the hearing. The planning commission may impose such conditions as are deemed necessary to mitigate any adverse impacts which may result from approving the adjustment. The hearing shall be conducted under the procedures used by the planning commission for a quasi-judicial land use hearing.

**D.** The city recorder shall give written notice of the hearing by mail to owners of property located within one hundred feet of the lot containing the sign, using for this purpose names and addresses of owners as shown upon the latest assessment role of the county assessor. Failure of a person to receive the notice specified in this section shall not invalidate any proceeding in connection with the application for an adjustment.

**E.** The planning commission shall issue its decision in writing explaining the reasons why the adjustment was approved or denied. The decision shall be mailed to the address of the applicant on the application by regular mail. The decision of the planning commission shall be final.

### **Section 23 - Appeal of decision on sign permit**

**A.** An applicant or interested person who appeared by submission of a comment may appeal the denial of an application for a sign permit, conditions of approval of the allowance of a permit, or revocation of the permit. An appeal may be initiated by filing a form prescribed by the city administrator, that is filed within twenty days of the date of mailing the decision of the city administrator, city engineer or the building official and paying the appropriate fee. Except as provided herein, the appeal shall be to the Planning Commission.

**B.** The hearing before the planning commission shall be de novo, and is not limited to the issues stated in the appeal notice.

**C.** The decision of the planning commission may be appealed to the city council. In considering the appellant's contentions, the city council shall exercise only the review authority listed in Subsection I of this section.

**D.** The city recorder shall give written notice of the hearing by mail to owners of property located within one hundred feet of the lot containing the sign, using for this purpose names and addresses of owners as shown upon the current records of the county assessor, and to the recognized neighborhood association in which the site is located. Failure of a person to receive the notice specified in this section shall not invalidate any proceeding in connection with the application for an appeal.

**E.** The city council shall conduct a public hearing on the appeal within 21 days following



the receipt of the filed notice of appeal.

F. The hearing shall be conducted under the procedures used by the city council for a quasi-judicial land use hearing.

G. The city council shall issue its decision in writing explaining the reasons why the permit was granted or denied.

H. The decision shall be mailed by regular mail to the address of the applicant on the application and to interested persons to the address stated in their comment.

I. In considering the appellant's contentions, the city council shall exercise only the following review authority:

1. Determining whether the city administrator failed to follow applicable procedures in taking action on the permit or the sign in ways that prejudiced the rights of the appellant;

2. Determining whether the city administrator properly applied the provisions of this chapter;

3. Modifying the decision of the city administrator only to the minimum extent necessary to be consistent with the requirements of this chapter or of other laws;

4. Attaching such conditions to granting all or a portion of any appeal as necessary to achieve the purposes of this chapter.

J. When the appeal form in an appeal of a sign permit or revocation states an issue involving the application of state or federal constitutional law, the municipal court judge shall resolve the constitutional law issues on an expedited basis. Notice of the hearing before the municipal court judge shall be provided as set forth in Subsection D of this section. The court shall conduct a public hearing on the constitutional issues and may allow the reception of factual evidence. The city attorney may appear on behalf of the city. Following the hearing, the court shall issue a written opinion on the constitutional issues. If the constitutional issues are the only issues raised in the appeal, the court shall direct the city administrator to grant or deny the permit or revocation. The directed decision of the city administrator is the final decision of the city. If other issues are raised in the appeal, the decision of the municipal court shall be binding on the city council. Following resolution of these other issues, the decision of the planning commission may be appealed to the city council. In considering the appellant's contentions, the city council shall exercise only the review authority listed in Subsection F of this section.

#### **Section 24 - Inspections.**

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

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

#### **Section 25 - Enforcement of Sign Code – General Provisions**

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

1. Sign in public right-of-way or on city-owned real property: Section 2.206.155.

2. Sign on private property or on non-city-owned public property, other than on

public right-of-way: Section 2.206.160.

3. Unsafe Sign: Section 2.206.165.

4. Abandoned Sign: Section 2.206.170.

**B.** In addition to any other provisions contained herein, the city administrator is authorized to undertake such action as the city administrator deems necessary and convenient to carry out the provisions of this sign code, as is permitted by law.

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

**D.** The city administrator may promulgate reasonable rules and regulations necessary to carry out the provisions of this chapter.

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

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

#### **Section 26 - Enforcement - Sign in public right-of-way or on City-owned real property.**

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

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

**B.** The city shall store any sign ordered to be removed by the city administrator for a period of thirty (30) days from the time the person responsible therefore is notified as provided in subsection C. The city shall continue to store such sign for any additional period during which an appeal or review thereon is before the city administrator.

**C.** If a telephone number or address of the owner of the sign, person responsible therefore, or person or business that is the subject of the communication on the sign in on the text of a sign, the city shall contact the said person or business by telephone or by mail (based on the manner of contact stated on the sign) and advise that the city believes that:

1. The sign was found in a location that the City believes to be a public right-of-way or City-owned real property;

2. That no permit was issued for the placement of the sign in said location, and that the sign is not otherwise lawfully permitted to be in said location;

The communication shall advise said person or business that the City has confiscated the sign and shall destroy the sign after 30 days from the time the person responsible therefore is notified, unless either the sign is claimed and the removal and notice fees are paid in full or a Request for Hearing is submitted by the reputed sign owner to the city administrator.

If no telephone number or mailing address is stated for the owner of the sign on the sign, the City shall retain the sign for a period of 15 days to permit the sign owner to ascertain that the sign has been removed and to file a Request for Hearing.

**D.** Upon receipt of a Request for Hearing, the city recorder shall determine that that applicable fee is paid, and shall then schedule a hearing before the city administrator within 10 business days. The city recorder shall notify the reputed sign owner and the appropriate city staff of the date, time, and place of the hearing upon the removal of the sign.

**E.** The hearing shall be conducted by the city administrator. The procedures for the hearing

shall be established by the city administrator sufficient to provide the parties not less than the minimum due process required under state and federal law.

F. A prima facie violation of this code shall be met if it is shown that:

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

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

G. The city administrator shall issue a written decision within 7 days following close of the hearing. The decision shall be based upon substantial evidence in the record. A copy of the decision shall be mailed to the reputed sign owner at such address as provided on the Request for Hearing. The decision of the city administrator shall be the final decision of the city.

H. If the city administrator determines that the sign was not lawfully placed upon the public right-of-way or city-owned real property, then, following any applicable appeal or review period, the sign shall be destroyed in such manner as the city administrator determines appropriate.

Destruction of the sign is in addition to any penalties that may be imposed under separate proceedings for civil violation of this sign code. Costs, as determined by Section 2.206.150(E), shall be the responsibility of the sign owner and the person responsible for the placement of the sign, collectively and individually.

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

## **Section 27 - Enforcement - Sign on private property or on non-City-owned public property, other than on public right-of-way.**

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

B. An order to bring a sign into compliance or to remove a sign shall be in writing and mailed or delivered to the owner of the sign, if known, and the owner of the building, structure or premises on which the sign is located, if the owner of the sign is not known.

C. The order shall inform the owner of the sign, if known, and the owner of the building, structure or premises on which the sign is located, if the owner of the sign is not known that the sign violates the regulations in this chapter and must be brought into compliance or be removed within 60 days of the date of the order, or such earlier date as shall be stated in the order. The order shall also state the reasons why the city administrator concludes the sign violates the regulations in this chapter and shall inform the owner of the sign, if known, and the owner of the building, structure or premises on which the sign is located, if the owner of the sign is not known of the right to submit a Request for Hearing, to determine whether or not the sign is in violation of this sign code.

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

E. Upon receipt of the Request for Hearing, the City Recorder shall proceed in the manner

specified in Section 2.206.155(D), and a hearing shall be held, and decision issued, in the manner specified in Section 2.206.155(E) and (G).

F. A prima facie violation of this code shall be met if it is shown that the sign:

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

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

G. If the city administrator determines that the sign is not permitted or authorized by this sign code, or by other applicable state or federal law, then within ten (10) days following any applicable appeal or review period, the owner of the sign, or owner of the building, structure or premises on which the sign is located shall cause the sign to be removed, or altered in such a manner as to be made to conform to the requirements of this sign code. A sign which is not removed or altered in such a manner as to be made to conform to the requirements of this sign code, is defined as a public nuisance.

H. The city administrator may:

1. Exercise all rights and remedies to cause the removal of the sign, including but not limited to removal of public nuisance, injunctive order, or as otherwise existing under Oregon law; and/or
2. Seek judgment against the owner of the land and the sign owner, individually, or collectively, for the removal and other costs pursuant to Section 2.206.150(E), and may collect upon the judgment in the manner provided by Oregon law; and/or
3. Seek such additional orders from a court of competent jurisdiction to permit entry upon the premises and removal of the sign.

I. Costs, as determined by Section 2.206.150(E), shall be the responsibility of the sign owner and the person responsible for the placement of the sign, collectively and individually. The costs shall be made a lien against the land or premises on which such sign is located, and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the city.

## **Section 28 - Removal of unsafe signs.**

A. If the city administrator finds that any sign by reason of its condition it presents an immediate and serious danger to the public, the city administrator may, without prior written notice, order the immediate removal or repair of the sign within a specified period. The city administrator shall follow the procedures provided in Section 2.206.160, subsections (B), (C), (D), (E), (H), except that the city administrator may shorten the time deadlines as reasonable, considering the risk to the public from the sign if the sign were to fail.

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

C. Costs, as determined by Section 2.206.150(E), shall be the responsibility of the sign owner and the person responsible for the placement of the sign, collectively and individually. The costs shall be made a lien against the land or premises on which such sign is located, and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the City.

### **Section 29 - Removal of abandoned signs.**

- A.** An owner of a sign shall remove the sign when it is abandoned.
- B.** The city administrator may order the removal of abandoned signs in the same manner as provided in Section 2.206.160, and the procedures for requesting a hearing, and the decision issued, shall be as set forth therein.
- C.** Abandonment of a sign shall be made when it is shown that:
  - 1. The sign is no longer used by the person who constructed the sign or the property where the sign is located is no longer used. The sign owner may rebut the prima facie showing of this ground of abandonment upon a showing that a reasonable effort is underway to continue the use of the property or sign,
  - 2. The sign has been damaged, and repairs and restoration are not started within ninety days of the date the sign was damaged, or are not diligently pursued, once started.
- D.** Costs, as determined by Section 2.206.150(E), shall be the responsibility of the sign owner and the person responsible for the placement of the sign, collectively and individually. The costs shall be made a lien against the land or premises on which such sign is located, and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the City.

### **Section 30 - Reserved.**

### **Section 31 - Violations.**

- A.** It shall be a violation of this Code for any person to perform, undertake, allow, or suffer the following:
  - 1. Installation, creation, erection, suffering, or maintenance of any sign in a way that would create a non-conforming sign;
  - 2. Failing to remove any non-conforming signs within sixty calendar days after the expiration of the amortization period;
  - 3. Failing to remove any non-conforming sign after being order to do so;
- B.** Continuing Violation. Each day of a continued violation shall be considered a separate violation when applying the penalty provisions of this code.

### **Section 32 - Penalties and Other Remedies.**

- A.** The municipal court is empowered to hear and determine violations of this chapter.
- B.** In addition to any other penalty of law, the municipal court or any other court of competent jurisdiction may issue a judgment necessary to ensure cessation of the violation, including but not limited to injunctive order and/or monetary penalty.
- C.** Any person who places a sign on property in violation of this chapter shall be punishable by a fine as set by resolution of the council.

### **Section 33 - Severability**

If any part, section, subsection, 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.

### **Section 34 - Amendments/Repeals.**

That the Amity City Council hereby repeals any ordinances or sections within which are found to be in conflict with the terms contained within this ordinance.

**Section 35 - Effective Dates.**

This ordinance will take effect 30 days from the date of its passage.


FIRST READING: June 1, 2011

SECOND READING: July 6, 2011

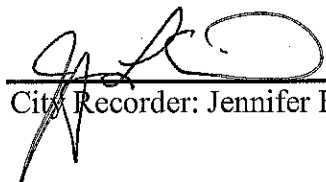
APPROVED THIS 6<sup>th</sup> DAY OF July, 2011.

Ayes: Ball, Dahl, Hansen, Hornen, King, van Soolen  
Nays:

SIGNED:

  
\_\_\_\_\_  
Mayor: Michael Cape

ATTEST:

  
\_\_\_\_\_  
City Recorder: Jennifer Elkins