

# CHAPTER 152: SIGN CODE

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### **GENERAL PROVISIONS**

#### **§ 152.01 TITLE.**

This chapter shall be known as the “Sign Ordinance” of the city and may be so cited and pleaded and shall be referred to herein as “this chapter.”  
(‘91 Code, 8-5.1.010) (Ord. 824, passed 11-27-79)

#### **§ 152.02 FINDINGS.**

The City Council further determines and takes public notice that this chapter, by the actions as set forth hereinabove and below, is in compliance with the Comprehensive Plan of the city, the public hearing process conducted by the City Planning Commission on October 2 and October 16, 1979, prior to its recommendation from the Planning Commission and receipt thereof by the Council, and by the public hearing process conducted by this Council prior to its adoption of this chapter.  
(‘91 Code, § 8-5.1.020) (Ord. 824, passed 11-27-79)

#### **§ 152.03 PURPOSE AND INTENT.**

The purpose and intent of this chapter are as follows.

(A) Purpose. The City Council finds and declares that, in order to protect the health, safety, property and welfare of the public; to improve the neat, clean, orderly and attractive appearance of the community; to improve the effectiveness of signs in identifying and advertising businesses; to provide for the safe erection and maintenance of signs; and to eliminate signs that demand, rather than invite, public attention, it is necessary to regulate the construction, erection, maintenance, electrification, illumination, type, size, number and location of signs.

(B) Intent. It is not the intent of this chapter to regulate the written or depicted copy of any individual sign, but only the height, area, location and other similar aspects of signs and sign structures. Nor is it the intent of this chapter to regulate purely graphic material as herein defined: noncommercial holiday signs and decorations; signs on products, product containers or product dispensers; public informational and safety signs;

or signs required by local, state or federal law. It is the intent of this chapter to regulate signs in a manner as to provide that permitted signs are as follows.

- (1) Compatible with their surroundings, pursuant to objectives of proper design and zoning amenities.
- (2) Allowing and promoting optimum conditions for meeting the sign user's needs, while at the same time promoting the amenable environment desired by the general public.
- (3) Designed, constructed, installed and maintained in a manner that they do not endanger public safety or traffic safety.
- (4) Legible, readable and visible in the circumstances in which they are used.
- (5) Respectful of the reasonable rights of other advertisers whose messages are displayed. ('91 Code, § 8-5.1.030) (Ord. 824, passed 11-27-79)

#### **§ 152.04 SCOPE.**

(A) Except as provided in 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 this chapter.

(B) No person in control of any premises within the city of shall permit thereon any sign which violates the provisions of this chapter.

(C) Nothing in this chapter is intended to, nor shall permit, the erection or maintenance of any sign at any place or in any manner unlawful under any other city ordinance or state or federal law.

(D) This chapter shall not be construed to relieve from or lessen the responsibility of any person or persons constructing, erecting, installing, operating, owning or leasing a sign within the city limits for damages to anyone injured by any defect therein, nor shall the city or any agent thereof be held as assuming any liability by reason of the approval and issuance of a permit authorizing construction, erection or installation of same. ('91 Code, § 8-5.1.040) (Ord. 824, passed 11-27-79)

Penalty, see § 152.99

#### **§ 152.05 INTERPRETATION.**

The provisions of this chapter shall be construed to effect the purposes and intent set forth in § 152.03 of this chapter. These provisions are declared to be the minimum requirements fulfilling the objectives. When conditions set forth herein are less restrictive than comparative conditions imposed by any other provision of this chapter, by provision of federal regulation, the more restrictive shall govern.

('91 Code, § 8-5.1.050) (Ord. 824, passed 11-27-79)

#### **§ 152.06 DEFINITIONS.**

(A) Construction. For the purpose of this chapter words used in the present tense include the future; the singular includes the plural; the word "shall" is mandatory and not directory; the word "may" is permissive; the masculine shall include the feminine and the neuter; and the word "building" includes structure except sign structures.

(B) Terminology. As used in this chapter the word “city” shall mean the city of Prineville, Oregon; the words “City Council” and “Council” shall mean the City Council of the city of Prineville; the words “Planning Commission” and “Commission” shall mean the City Planning Commission for the city of Prineville duly appointed by the City Council; the words “Building Official,” “Planning Director,” “City Recorder,” “City Administrator,” “Street Superintendent” and “City Attorney” shall mean the Building Official, Planning Director, City Recorder, City Administrator, Street Superintendent and City Attorney for the city of Prineville, or respectively designated representatives thereof.

(C) Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABANDONED SIGN.** A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where the sign is displayed.

**ACCESS.** The right to cross between public and private property, and the point or facility for such allowing pedestrians and vehicles to enter and exit from property.

**ADVERTISING AREA.** The area of the display surface of a sign, plus the area of any cutouts or cutout displays which project beyond the display surface to the extent to which they add to the area of the display surface.

**ALLEY.** A public way, not over 30 feet wide, providing a secondary means of access to private property.

**ALTERATION.** Any major modification of a sign, excluding the routine maintenance, painting or change of copy of an existing sign.

**ANIMATED SIGN OR EFFECT.** A sign or sign effect depicting action or motion, flashing, color changes or a moving object, thing, person, animal or event through the application of sequential illumination of lights, lamps, bulbs or tubes, or by wind movement, except wind-actuated elements such as flags, pennants or banners.

**APPROVED PLASTIC MATERIALS.** Those materials specified in the standards of the Uniform Building Code (UBC) and the Uniform Sign Code (USC) which have a flame-spread rating of 225 or less and a smoke density rating no greater than 450 when tested in accordance with applicable UBC standards, in the way intended for use; or a smoke density rating no greater than 75 when tested in the thickness intended for use by the chamber method of test under the applicable UBC standards. The product of combustion shall be no more toxic than that of untreated wood when burned under similar conditions.

**AREA.** The total area of a sign within a perimeter which forms the outside shape of a sign, including all decorative or structural trim, facing announcement, demonstration, display, illustration or any other attention-getting device, exclusive of essential structural supports. If the sign consists of more than one module, the total area of all modules shall constitute the sign area. The area of a sign having no identifiable perimeter or border shall be computed by enclosing the entire copy area within the outline of either a parallelogram, triangle, circle or any other easily recognized geometric shape, and then computing the area thereof. The area of a sign having two display surfaces facing in opposite traffic directions shall be computed by measuring the largest face. Where a sign is of a three-dimensional, round or irregular shape, the largest cross section shall be used in a flat projection for the purpose of computing sign area. The total area of all signs of all types on any one piece of property or business frontage shall not exceed the maximum

permitted by this chapter, with the additional requirement that the limitations imposed by this chapter for each type of sign shall be met.

**AWNING.** Includes any structure made of cloth or metal, with a metal frame, attached to a building and projected over a public right-of-way or thoroughfare, when the same is so erected as to permit its being raised, retracted, folded or collapsed to a position flat against the building or removable when not in use, and intended to provide shelter from rain or sun.

**BACK-TO-BACK SIGN.** A sign with multiple display surfaces mounted on a single structure, with display surfaces visible to traffic from opposite directions of travel.

**BANNER SIGN.** A temporary sign composed of lightweight material, either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

**BILLBOARD.** See “off-premises sign” or “outdoor advertising sign” defined in this section.

**BLANKET or BLANKETING.** When applied to signs, means the partial or complete blocking of the view of the display surface of a sign by another sign when being viewed by a person standing upon the sidewalk or by a motorist on the street from which the subject sign is intended to be viewed.

**BUILDING FACADE.** That portion of any exterior elevation of a building extending vertically from grade to the top of the parapet wall or eaves and horizontally across the entire width of the building elevation.

**BUILDING FACE or WALL.** All window and wall area of a building in one plane or elevation.

**BUILDING FRONTAGE.** The linear length of a building facing the right-of-way or the linear length of the right-of-way facing the building, whichever is smaller.

**BUILDING IDENTIFICATION SIGN.** Any sign identifying a building by name or symbol only.

**BUILDING LINE.** A line established by ordinance beyond which no building may extend. A BUILDING LINE may coincide with a property line. A BUILDING LINE may be referred to as “required setback.”

**BUSINESS.** All of the activities carried on by the same legal entity on the same premises including, but not limited to, a charitable, fraternal, benevolent, religious, educational or social organization. “Legal entity” means sole proprietorships, partnerships, corporations, nonprofit corporations, associations or joint stock companies.

**BUSINESS IDENTIFICATION SIGN.** A sign that identifies a business and that displays only information necessary to adequately describe the business or profession upon the premises at which the sign is located.

**CANOPY.** A permanent roofed structure which may be freestanding or partially attached to a building for the primary purpose of providing shelter to patrons in automobiles, but shall not mean a completely enclosed structure.

**CHANGEABLE COPY SIGN.** A sign on which message copy can be changed through use of attachable letters and numerals or by electronic switching of lamps or illuminated tubes to form words and numerals. CHANGEABLE COPY SIGN includes public message displays or any sign which has automatic switching such as time and temperature signs.

**CHASER EFFECT.** A sign effect which tends to lead the eye by producing a lateral, vertical, lineal or circular movement through sequential flashing of lights, lamps, bulbs or tubes.

**COMBINATION SIGN.** Any sign incorporating any combination of the features of a ground sign, pole sign, projecting and roof signs.

**COPY AREA.** The entire area within a single square or rectangle or a combination of squares or rectangles which enclose the extreme limits of the advertising message or announcement. Decorations related to the specific nature of the advertising message or announcement shall be included.

**CURB LINE.** The line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be as established by city ordinance or by the City Council.

**CUTOUT.** Every type of display in the form of letters, figures, characters, representations or others in cutout or irregular form attached to or superimposed upon an advertising.

**DIRECTIONAL SIGN.** A sign identifying and containing directional information to one or more public places owned or operated by federal, state or local governments or one of their agencies; a sign identifying and containing directional information to publicly or privately owned natural phenomena or historic, cultural, scientific, educational and religious sites; and a sign identifying and containing directional information to areas of natural scenic beauty or areas naturally suited for outdoor recreation, deemed to be in the interest of the traveling public; or a sign which is designed and erected solely for the purpose of traffic or pedestrian direction and is placed on the property to which or on which the public is directed; such a sign contains no advertising copy.

**DISPLAY SURFACE.** The area made available by the sign structure for the purpose of displaying the advertising or informational message.

**DOUBLE-FACED SIGN.** A sign with multiple display surfaces, with two or more separate and different messages visible to traffic from one direction of travel.

**ELECTRIC SIGN.** Any sign containing electrical wiring, but not including signs illuminated by an exterior light source.

**ERECT.** To construct, build, assemble, place, affix, attach, create, paint, draw or in any way bring into being or establish.

**FIN SIGN.** A sign which is supported wholly by a one-story building of an open-air business or by poles placed in the ground or partly by such a pole or poles and partly by a building or structure.

**FLASHING SIGN.** Any sign containing 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.** An on-premises sign supported by one or more uprights or braces in the ground and detached from, or only incidentally attached to, any building or structure.

**FRONTAGE.** The length of the property line of any one premises along each public right-of-way it borders.

**GRADE.** The lowest point of elevation of the finished surface of the ground directly below or at the sign location, and any point five feet distant from the sign

location, or the lowest point of elevation of the finished surface of the ground between a point directly below or at the sign location and the property line, if the sign, or any projection thereof, is less than five feet distant from the property line. In case the sign, or any projection thereof, is within five feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley or public way.

**GROUND SIGN.** A sign erected on a free-standing frame, mast or pole and not attached to any building. Also referred to as a “free-standing” or “pole” sign.

**HEIGHT OF SIGN.** The vertical distance, measured from the adjacent street grade or upper surface of the nearest street curb other than an elevated roadway, which permits the greatest height to the highest point of the sign.

**IDENTIFICATION SIGN.** A sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or institution, or the occupancy of the person.

**ILLUMINATED SIGN.** A sign designed either to give forth artificial light or to reflect light. The illumination may come directly from a source of light incorporated in or connected with the sign, or indirectly from an artificial source, so shielded that no direct illumination from it is visible elsewhere than on the sign and in its immediate proximity. **ILLUMINATED SIGNS** are electrical signs lighted by neon tubing or by fluorescent or incandescent lights behind the plastic body of the sign. In both cases, the light is a major factor in the design and function of the sign itself. **ILLUMINATED SIGNS** can be off-premises or third-party signs, but are most often used as on-premises business signs. This definition includes reflectorized, glowing or radiating signs.

**INCIDENTAL SIGN.** A sign identifying or advertising associated goods, products, services or facilities available on the premises. The incidental signs include, but are not limited to, trading stamps, credit cards accepted, brand names or price signs.

**INCOMBUSTIBLE MATERIAL.** Any material which will not ignite at a temperature of 1200°F during an exposure of five minutes and which will not continue to burn or glow at that temperature. Tests shall be made as specified in the Uniform Building Code.

**INTEGRATED SHOPPING CENTER.** A premises planned and developed as a unit, with an undivided or non segregated parking area that is advertised as a center and which has multiple occupancy by business or service firms, and shall not include a business which does not participate in the maintenance and promotional activities of the center; which fronts on a designated arterial or designated collector street; and which business has a marked or segregated parking or use area separate from the integrated shopping center parking or access areas.

**LEGAL SETBACK LINE.** The legal setback line beyond which no building may be built as established by the zoning ordinance of the city. A legal setback line may be a property line.

**LOGO.** A symbol or design used by a business as a means of identification of its products or services.

**LOGO SIGN.** A sign located on highway right-of-way on which logos for gas, food, lodging and camping are mounted.

**MAINTAIN, MAINTAINED, MAINTAINING**

or MAINTENANCE. Includes painting, changing advertising or information on display surfaces, adding or removing a cutout, routine repairs necessary to maintain the sign in a neat, clean, attractive and safe condition and the term includes allowing to exist.

**MANSARD ROOF.** A sloped roof or roof-like facade architecturally able to be treated as a building wall.

**MARQUEE.** A permanent roof structure attached to and supported by a building and projecting over public property, including any object or decoration attached to or as part of the marquee, except a sign attached on the underside of a marquee or structural projection.

**NAMEPLATE.** A nonelectrical sign identifying only the name and occupation or profession of the occupant of premises on which the sign is located. If any premises includes more than one occupant, NAMEPLATE means all names and occupations or professions, as well as the name of the building and directional information.

**NONCONFORMING SIGN (LEGAL).** Any advertising structure or sign which was lawfully erected and maintained prior to the time it came within the purview of this chapter and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this chapter, or a nonconforming sign for which a special permit has been issued.

**NONELECTRICAL SIGN.** Any sign that does not contain electrical wiring or its own source of illumination.

**NONSTRUCTURAL TRIM.** The molding, battens, cappings, nailing strips, latticing, cutouts or letters and platforms which are attached to the sign structure, are nonstructural in nature and do not contribute to the support of the sign.

**ON-PREMISES SIGN.** Any sign visible from a public right-of-way identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained.

**OUTDOOR ADVERTISING SIGN or BILLBOARD.** A sign which advertises goods, products, facilities or services which are not sold, manufactured, located or distributed on or from the premises on which the sign is located.

**OWNER.** A person recorded as such on the records of the County Assessor and including a duly authorized agent or attorney, a purchaser, or fiduciary; and person having a vested or contingent interest in the property in question.

**PAINTED SIGN.** Any sign, except a temporary sign, the subject matter of which is painted directly upon the surface of a building or structure.

**PARAPET or PARAPET WALL.** That portion of a building that rises above the roof level.

**PERMANENT SIGN.** Any sign other than a temporary sign.

**PERSON.** Individuals, corporations, associations, cooperatives, firms, partners, joint stock companies or any other person created by law.

**POLE SIGN.** Any sign supported by uprights, braces or poles in or on the ground, including poster panels and painted bulletins. Strictly speaking, no guy wires, braces or secondary supports are used; any angle iron or braces or secondary supports are used; other main support is enclosed in a wood, plastic or metal form, such that the angle iron or main support is not visible. Also, see “free-standing” or “ground sign” defined in this section.

**POLITICAL SIGN.** Any temporary sign which displays the name and/or picture of an individual seeking election or appointment to a public office, or pertaining to a forthcoming public election or referendum, or pertaining to or advocating political views or policies.

**PORTABLE DISPLAY SURFACE.** A display surface temporarily affixed to a standardized sign structure which is regularly moved from sign to sign at periodic intervals.

**PORTABLE GROUND SIGN.** A sign which, with its supports and accessories, is designed to be mobile and which is supported by the ground but not affixed to any pole, building or other permanently located sign-bearing structure.

**PORTABLE SIGN.** Any sign made of any material, including paper, cardboard, wood or metal, which is capable of being moved easily and is not permanently affixed to the ground, structure or building.

**PREMISES.** A lot or a number of lots on which are situated a building, or a group of buildings designed as a unit or on which a building or a group of buildings are to be constructed.

**PRINCIPAL SIGN.** The principal permanent on-premises sign designed primarily to identify or advertise a business or facility to motorists or pedestrians approaching the business facility. A **PRINCIPAL SIGN** is limited to a free-standing, roof, wall or projecting sign, or sign located on a marquee face or canopy face.

**PRINCIPAL STREET FRONTAGE.** The principal street shall be the public vehicular street that the sign fronts upon.

**PROJECTION.** The distance which a sign extends beyond the building or building line.

**PROJECTING SIGN.**

(1) **PROJECTING SIGN** shall include any sign which is attached perpendicular to a building or other structure and extends beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached.

(2) **HORIZONTAL PROJECTING SIGN** means any sign which is greater in width than in height.

(3) **VERTICAL PROJECTING SIGN** means any sign which is greater in height than in width.

**REAL ESTATE SIGN.** A sign pertaining to the sale, lease or rental of the property upon which it is located.

**RECONSTRUCTION.** Replacing a sign totally or partially destroyed, increasing its size or performing any work, except maintenance work, that alters or changes a sign authorized to exist under the provisions of this chapter.

**RELOCATION.** Includes, but is not limited to, the removal of a sign from one site, together with the erection of a new sign upon another site as a substitute therefor.

**REVOLVING SIGN.** Any sign which rotates or turns in motion by electrical or mechanical means in a circular pattern. (Also referred to as a "rotating sign.")

**ROOF LINE.** Either the high point of the roof or the top of the parapet, whichever forms the top line of the building silhouette and, where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located. Excludes any machinery, air conditioning or elevator

housing, flag poles, chimneys, ornamentation or other accessory structures attached to the roof.

**ROOF SIGN.** A sign erected upon or above a roof or parapet of a building or structure.

**SEASONAL OR HOLIDAY SIGNS.** Signs such as Christmas decorations, those used for a historic holiday and installed for a limited period of time.

**SCINTILLATING EFFECT.** A sign effect employing a sequential illumination of lights, lamps or bulbs, but not tubes, to produce a random twinkling of light.

**SIGN.** Any sign, illuminated or non-illuminated, or presentation by words, letters, figures, designs or pictures, publicly displayed to give notice relative to a person, a business, goods, products, a service and activity or a solicitation. SIGN includes identification, advertising and informational signs. SIGN also includes any permanently installed or situated merchandise (other than a structure), an emblem, a painting, a banner, a pennant, a placard, a poster, a temporary sign, a light (other than a device used primarily to illuminate a building or premises) that is designed or intended to attract attention, advertise, identify or inform. For the purpose of removal, SIGN shall also include sign structure.

**SIGN AREA.** The overall dimensions of all panels capable of displaying messages on a sign structure. (See "area" defined in this section.)

**SIGN HEIGHT.** The vertical distance measured from the adjacent street grade or upper surface of the nearest street curb which permits the greatest height to the highest point of the sign.

**SIGN STRUCTURE.** Any structure which supports or is capable of supporting any signs, including decorative cover. A sign structure may be a single pole and may be or may not be an integral part of a building or structure.

**SIGN TOWER.** A tower erected for the specific purpose of supporting a sign or having a sign attached flat against its face or faces. A SIGN TOWER may or may not be an integral part of a building.

**STRUCTURAL TRIM.** The molding, battens, cappings, nailing strips, latticing and platforms which are attached to the sign structure.

**STRUCTURE.** 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 jointed together in some definite manner.

**TEMPORARY BUILDING SIGN.** A sign jointly erected and maintained on premises undergoing construction, by an architect, contractor, sub-contractor and/or material man upon which property the individual is furnishing labor or material.

**TEMPORARY SIGN.** Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a limited period of time only.

**TRAFFIC CONTROL SIGN OR DEVICE.** An official route marker, guide sign, warning sign or sign directing or regulating traffic, which has been erected by or under the order of a public agency.

**UNDER-MARQUEE SIGN.** A sign which is attached to and suspended from a marquee or canopy but does not extend beyond the marquee or canopy.

**UNIFORM BUILDING CODE (UBC).** The Uniform Building Code and Uniform Code Standard, as promulgated by the International Conference of Building Officials and

adopted by the city, and adopted by the state as the Oregon State Structural [Specialty Code and] Fire and Life Safety Code.

**UNLAWFUL SIGN.** A sign which contravenes this chapter or which may be declared unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment or a nonconforming sign for which a permit required under a previous code was not obtained.

**USE.** The purpose for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

**VISIBLE.** Capable of being seen without visual aid by a person of normal visual acuity, whether or not legible from the main-traveled street or highway.

**VISION CLEARANCE.** A triangular area at the street corner of a corner lot, or the alley-street intersection of a lot, the space being defined by a line across the corner, the ends of which are on the street lines or alley lines a specified distance from the corner and containing no planting, walls, structures or temporary or permanent obstruction from two and one-half feet in height above the curb level to ten feet above the curb level.

**V-TYPE SIGN.** Two signs erected independently of each other, with multiple display surfaces having single or multiple messages visible to traffic from opposite directions, with an interior angle between the two signs of not more than 120 degrees and the signs separated by not more than ten feet at the nearest point.

**WALL FACADE FOR SIGNS.** A sign structure designed for the placement of principal or secondary signs and erected upon the top of a wall or on a wall or parapet of a building in the same general plane as the wall.

**WALL SIGN.** A sign which is painted on or attached to or erected against the wall or parapet of a building or structure or against the faces or ends of a marquee or canopy or on a wall facade for signs with the exposed face of the sign in a plane parallel to the plane of the wall or face and projecting not more than 12 inches therefrom. **WALL SIGN** also means and includes a principal or secondary sign erected in supporting or ornamental columns attached to and located under an overhanging roof, which sign is erected in a plane generally parallel to the nearest face of the building.

**ZONING MAP.** The "Official Zoning Map of the City of Prineville," as established by the zoning ordinance of the city. ('91 Code, §§ 8-5.2.010 and 8-5.2.020) (Ord. 824, passed 11-27-79)

### **§ 152.07 EXEMPT SIGNS.**

The following signs are exempted from all the provisions of this code, except regulations pertaining to construction and safety.

(A) Institutional signs. Any sign or bulletin board setting forth or denoting the name of any public, charitable or religious institution, when located on the premises of the institution, provided the sign or bulletin board shall not exceed 32 sq. ft. in surface area and is indirectly lighted. Reader board signs are permitted with a maximum surface area of 32 sq. ft., either wall-mounted or pole-mounted, with a maximum height of eight feet.

(B) Public signs. Signs of a public, noncommercial nature, which shall include safety signs, danger signs, no trespassing signs, signs indicating scenic or historical points of interest and all signs erected by a public officer in the performance of a public duty.

(C) Traffic-directing signs. Non illuminated directional signs, indicating traffic movement onto a premises, or within a premises, not exceeding three square feet of surface area for each sign, and one sign per entrance to the premises. Directional signs on paved areas shall be exempt from the size standards indicated above. A directional sign of not more than 12 sq. ft. of surface area, and not more than eight feet in height, used only to identify and locate a service entrance or service facility, provided that the sign cannot project any further than the allowable projection for an identity sign.

(D) Memorial signs and tablets. Non illuminated memorial signs or tablets indicating the name of a building or date of erection, not exceeding two square feet in surface area, which are part of the building construction, or are attached as wall signs.

(E) Name plates and directories. Non illuminated name plates and building directories relating only to the use of occupancy of the building to which attached, and not exceeding 12 sq. ft. of surface area, which are part of the building construction, or are attached as wall signs.

(F) Seasonal decorations. Seasonal decorations shall be permitted for annual and/or special community events, including but not limited to the Timber Carnival, Rodeo and Christmas Season activities. These decorations may be on public or private property, providing the decorations are safely maintained. When on public property, approval of the City Council or its designate is required, along with the appropriate public body owning the property.

(G) Seasonal signs. Seasonal signs shall be permitted for Christmas tree sales lots during the period from December 1 to January 1 and for fireworks sales during the period from June 24 to July 6, provided the sign shall not exceed 32 sq. ft. in surface area and is either wall-mounted or pole-mounted, with a maximum height of eight feet.

(H) Temporary political signs. Located on private property, provided that the signs are erected no more than 60 days during the campaign prior to the election in which the candidates or issues are to be voted upon. The signs shall conform to all other applicable provisions of this chapter and shall be removed no later than five days following the election; any signs not removed by the sixth day may be removed by the city and the owner of the property upon which the sign was erected may be charged the cost of removing the sign.

(I) Flags of the national, state or local government. Flags of the national, state, or local government, provided that the flags do not interfere with safety.

(J) Temporary advertising signs. Temporary advertising signs, not exceeding 32 sq. ft., may be erected for the period not to exceed two weeks before the event advertised. Each sign shall conform to all provisions of this chapter. All signs shall be removed by the sponsoring organization no later than five days following the event. Any signs which have not been removed within five days after the event shall be removed by the city, and the sponsoring organization, or, if such cannot be found, the owner of the property upon which the sign was erected, shall be charged the cost of removing the sign.

(K) Temporary "for sale" signs. A temporary "for sale" sign for residential units shall not exceed six square feet in area; for commercial and industrial signs the area shall not exceed 24 square feet. The placement of the sign shall be on the property offered for sale, lease or rental. Optional "for sale" signs also include signs advertising "open house," limited to the

same size and location on private property, with consent of the person in possession of the property and outside of vision clearance areas.

(L) Signs placed by fraternal organizations. Signs placed by fraternal organizations, setting forth or denoting the name of the organization when located on the premises of the institution, provided that no sign or bulletin board exceeds 24 square feet in area. Reader board signs are permitted with a maximum surface of 24 square feet, either wall-mounted or pole-mounted, with a maximum height of eight feet.

(M) Small signs. Not exceeding one and one-half square feet in area, attached flat against the building, stationary and non illuminated, announcing only the name and occupation of the tenant. ('91 Code, § 8-5.3.010) (Ord. 824, passed 11-27-79)

### **§ 152.08 PROHIBITED SIGNS.**

The following signs are prohibited.

(A) Signs which bear or contain statements, words or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.

(B) Signs which purport to be, or are an imitation of, or resemble official traffic signs or signals, or which bear the words "stop," "go slow," "caution," "danger," "warning" or similar words.

(C) Signs which, by reason of size, location, movement, content, coloring or manner of illumination may be confused with or construed as traffic control devices; or which hide from view any traffic or street sign or signal.

(D) Signs which are located so as to substantially obstruct the view of a sign on adjoining property when viewed from a distance of 200 feet at any point four feet above the roadway grade of the traffic lane closest to the street property line.

(E) Signs which advertise or publicize an activity, business, product or service not conducted on the premises upon which the signs are maintained, except by consent of the property owner and with a permit issued by the Building Official. ('91 Code, § 8-5.4.010) (Ord. 824, passed 11-27-79) Penalty, see § 152.99

## **PERMITS**

### **§ 152.20 PERMITS REQUIRED; EXEMPTIONS.**

(A) No sign shall be erected, constructed, altered or maintained in the city in violation of the provisions of this chapter, and a permit shall be required for the signs for each business and a separate permit for each group of signs on a single supporting structure, except as provided in divisions (B) and (C) of this section. In addition, state electrical permits shall be obtained for electrical connection of signs and shall be completed within six months.

(B) No permit shall be required for the following signs, but compliance with other provisions of this chapter shall be required.

(1) Repainting or cleaning of an advertising structure or the changing of the advertising copy or message thereon, unless a structural change is made.

(2) Signs made of wood or other approved material installed under marquees, but the signs shall be in compliance with § 152.60 and other provisions of this chapter.

(3) Signs constructed of wood or any material permitted by this chapter, with a display surface of six square feet or less, which are not artificially illuminated.

(C) This chapter does not apply to unlettered barber poles less than eight feet above the sidewalk level, attached to the side of the building and extending into the street or sidewalk not more than 15 inches from the side of the building, provided the same are safely installed. ('91 Code, § 8-5.5.010) (Ord. 824, passed 11-27-79)  
Penalty, see § 152.99

#### **§ 152.21 PERMIT APPLICATION.**

Application for a sign permit shall be made in writing upon forms furnished by the Building Official. The application shall contain the location by street address, township, range, section and tax lot number of the proposed sign structure; name and address of the owner of the proposed sign; name and address of the owner of the real property on which the sign is to be erected, if different from the owner of the sign; and name and address of the sign contractor. The Building Official may require the filing of plans or other pertinent information when in his/her opinion the information is necessary to insure compliance with this chapter. Standard plans may be filed with the Building Official. ('91 Code, § 8-5.5.020) (Ord. 824, passed 11-27-79)

#### **§ 152.22 PERMIT FEES.**

A sign permit fee shall be paid at the time a permit is issued. Permit fees shall be the same as building permit fees, as provided in the Uniform Building Code, except that permit fees for repair of an existing sign where the sign is removed from the existing structure to another location for repair and then returned to the same location and re-erected on the same structure shall be \$5. The regular permit fee shall apply to sign repair work where substantial structural alteration is being made.

('91 Code, § 8-5.5.030) (Ord. 824, passed 11-27-79)

Cross reference:

Building permit fees, see Ch. 150

### **REGULATIONS GENERALLY**

#### **§ 152.35 MAINTENANCE.**

(A) All signs, together with all their supports guys and anchors, shall be kept in good repair and in a proper state of preservation. The display surface of all signs shall be kept neatly painted or posted at all times.

(B) All signs shall be subject to inspection by the Building Official at any reasonable time, and footing inspections may be required by the Building Official for all signs having footings. Upon presentation of proper credentials, the Building Official may enter at any reasonable time any building, structure or premises in the city in performance of his/her duty under this chapter.

(C) All signs containing electric wiring shall be subject to provisions of the electrical code, and the electrical components shall bear the label of the testing agency approved by the Building Official.

('91 Code, § 8-5.6.010) (Ord. 824, passed 11-27-79) Penalty, see § 152.99)

### **§ 152.36 DESIGN.**

(A) Signs or sign structures shall be designed to resist wind and seismic forces, as specified in this section and the Uniform Building Code. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building in a manner as not to overstress any of the elements thereof.

(B) The overturning moment produced from lateral forces shall in no case exceed two-thirds of the dead-load resisting moment. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in determining the dead-load resisting moment. The earth shall be carefully placed and thoroughly compacted.

(C) Wind and seismic loads need not be combined in the design of signs or sign structures; only that loading producing the larger stresses need be used. Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with the wind or seismic loads.

(D) Structural design of all signs shall conform to the requirements of the Uniform Building Code.

(E) The working stresses of wire rope and its fastenings shall not exceed 25% of the ultimate strength of the rope or fasteners.

(F) Anchorage members supporting unbound signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed the safe values. Braced ground signs shall be anchored to resist the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pull-out amounting to a force 25% greater than the required resistance to overturning. Anchors and support shall penetrate to a depth below ground greater than that of the frost line.

(G) Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to support safely the loads applied. No wooden blocks or plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing.

(H) No anchor or support of any sign shall be connected to, or supported by, an unbraced parapet wall, unless the wall is designed in accordance with the requirements for parapet walls specified in the Uniform Building Code.

('91 Code, § 8-5.6.020) (Ord. 824, passed 11-27-79) Penalty, see § 152.99)

### **§ 152.37 SAFETY CLEARANCE.**

(A) Clearance from high voltage power lines. Signs shall be located not less than eight feet horizontally and eight feet vertically from overhead electrical conductors which are energized in excess of standard service load, as determined by the utility company providing the service. The term "overhead conductors," as used in this section, means any electrical conductor, either bare or insulated, installed above the ground, except such conductors as are enclosed in iron pipe or other material covering of equal strength.

(B) Clearance from fire escapes, exits or standpipes. No signs or sign structure shall be erected in 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. Signs erected within five feet of an exterior wall in which there are openings within the area of the sign shall be constructed of incombustible material or approved plastics.  
(‘91 Code, § 8-5.6.030) (Ord. 824, passed 11-27-79) Penalty, see § 152.99

#### **§ 152.38 ELECTRIC SIGNS.**

(A) The enclosed shell of electric signs shall be weather tight, except that service holes fitted with tight covers shall be provided for each compartment of the sign.

(B) All electrical equipment used in connection with the signs shall be installed in accordance with the electric code.

(C) Every electric sign shall have painted on the surface of the sign the name of the erector and the date the sign was erected. The name and date shall be of sufficient size and contrast to be visible from a reasonable distance.

(‘91 Code, § 8-5.6.040) (Ord. 824, passed 11-27-79) Penalty, see § 152.99

#### **§ 152.39 MATERIAL.**

(A) Materials for construction of signs and sign structures shall be the quality and grade as specified for buildings in the Uniform Building Code.

(B) In all signs and sign structures, the material and detail of construction shall, in the absence of specified requirements, conform to the following.

(1) Structural steel shall be of a quality as to conform with the Uniform Building Code standard. Secondary members in contact with or directly supporting the display surface may be forged of light gauge steel, provided the members are designed in accordance with the specifications of the design of light gauge steel, as specified in the Uniform Building Code standards, and, in addition, shall be galvanized. Secondary members, when formed integrally with the display surface, shall be not less than number 24 thickness. When not formed integrally with the display surface, the minimum thickness of the secondary members shall be number 12 gauge. Minimum thickness of hot-rolled steel members furnishing structural support for signs shall be one-fourth inch, except that, if galvanized, the members shall be not less than one-eighth inch thick. Steel pipes shall be of a quality as to conform with the Uniform Building Code standard. Steel members may be connected with one galvanized bolt, provided the connection is adequate to transfer the stresses in the members.

(2) Wooden anchors and supports, when embedded in the soil, or within six inches of the soil, shall be pressure-treated with an approved preservative. The members shall be marked and branded by an approved agency recognized by the Uniform Building Code.

(3) Nonstructural trim, signs under marquees and portable display surfaces may be of wood, metal, approved plastics or any combination thereof.

(4) Display surfaces may be of any approved material except glass. Glass may be used in any neon tubing and incandescent lamp and tube.

(5) The Building Official may require that sufficient technical data be submitted to substantiate the proposed use of any plastic material and, if it is determined

that the evidence submitted is satisfactory for the use intended, he/she may approve its use.

(6) No combustible material other than approved plastics shall be used in the construction of any electric sign.

(7) Wood may be used in signs, subject to the requirements of the city's building and fire codes.

(8) Wood signs shall be a minimum two-inch nominal thick plank or three-fourths-inch thick exterior plywood and shall comply with the Uniform Building Code, as adopted by the city.

(9) Wood signs shall be supported by a minimum four-by-four-inch nominal post. ('91 Code, § 8-5.6.050) (Ord. 824, passed 11-27-79) Penalty, see § 152.99

#### **§ 152.40 ILLUMINATION AND ROTATION.**

(A) Prohibition of flashing light.

(1) No flashing light, intermittent light, rotating sign with chaser effects, scintillating effects, animated effects or speller effects shall be installed within the city after the effective date of this chapter, except for signs expressing time, temperature and date.

(2) Signs illuminated by exterior illumination shall have the exterior lights so directed that the light does not shine directly into common vehicular or pedestrian ways.

(3) No electric sign shall be so located as to cast light on property in an adjacent residential zone.

(4) No arrow or directional indicator, nor any light, lamp or tube, or group of lights, lamps or tubes contained in a single unit shall be erected or maintained within view of any public street except in the following cases.

(a) The device is or was constructed as an integral part of a sign and is not later attached or affixed thereto.

(b) The device is not illuminated by flashing or intermittent light and the illumination thereof conforms to all sign illumination requirements of this chapter.

(c) The device consists of light or lamps designed and intended to be used solely for illumination of a building or pedestrian or vehicular traffic areas.

(d) The device is an official traffic signal.

(5) No lighting of illumination shall be used at any location or in any manner where it may be confused or construed as a traffic control device.

(B) Limitation of sign illumination.

(1) No exposed or reflective-type bulb, incandescent lamp exceeding 11 watts or strobe lights shall be used or maintained on the exterior surface of any signs so as to expose the face of the bulb, light or lamp to any public street; provided, however, a reflective-type lamp bulb may be used, if not exposed to direct view from a public street, for illumination of the display surface of a sign.

(2) When neon tubing is employed on the exterior surface of a sign for sign illumination, the tubing shall not exceed a capacity of 20 milliamperes rating.

(3) No sign shall be erected or maintained, which, by use of lighting, illumination or surface reflection creates an unduly distracting and hazardous condition to vehicular or pedestrian traffic or the general public. ('91 Code, §§ 8-5.7.010 and 8-5.7.020) (Ord. 824, passed 11-27-79) Penalty, see § 152.99

#### **§ 152.41 LOCATION AND NUMBER OF SIGNS.**

(A) Supports for all signs or sign structures shall be placed in or upon private property and shall not be located in a vision clearance area, as defined by the city zoning ordinance, nor shall any sign project over public right-of-way, except as provided herein.

(B) No sign shall exceed a height as stated herein, and in no case exceed a height permitted for a building pursuant to the city zoning ordinance. ('91 Code, § 8-5.8.080) (Ord. 824, passed 11-27-79) Penalty, see § 152.99

#### **REGULATION BY SIGN TYPE**

#### **§ 152.55 PROJECTING SIGNS.**

(A) No sign shall be located in or protrude into a portion of the street right-of-way which is now used for or may in the future be used for vehicular traffic.

(B) No sign shall protrude more than four feet or hang lower than eight feet in height above grade over pedestrian walkway areas of the ultimate street.

(C) No projecting sign shall extend more than three feet above a parapet wall or the roof line of the supporting building.

(D) No signs or sign structure shall project into any public alley below a height of 16 feet above grade, nor project more than 12 inches horizontally over the alley. A sign or sign structure may project not more than 36 inches horizontally over the public alley where the sign or sign structure is located more than 20 feet above grade. ('91 Code, § 8-5.8.010) (Ord. 824, passed 11-27-79) Penalty, see § 152.99

#### **§ 152.56 WALL SIGNS.**

(A) Signable area. The signable area for a wall sign shall be the space between the lower and upper limits on the face of a building, as defined as follows.

(1) The lower limit shall be the lintel or window head of the first story, but in no case shall it be lower than nine feet from the finished grade immediately below.

(2) The upper limit shall be the windowsill of the floor immediately above the lower limit and, in the absence of a window, if there is a parapet.

(3) In the case of a one-story building, the upper limit shall be the roof line or three feet maximum above the roof line if there is a parapet.

(B) Sign area.

(1) The specific copy for the total area of all wall signs shall not exceed 15% of the signable area. However, this percentage may be increased to 30% if there is no projecting sign, and up to 45% if there are no projecting signs, free-standing signs or canopy signs. In no case shall the sign area exceed two square feet per lineal foot of the frontage of the building. The SIGN AREA shall be the area enclosed by a frame and, in the absence of a frame, the total permitted signable area.

(2) Identification wall signs with non illuminated letters not higher than three inches, up to a total of four square feet in area for each premises, shall be exempted from area calculations.

(3) Only the frontage on which the sign is located shall be used for sign area calculations.

(C) Projection.

(1) A wall sign shall not project beyond 18 inches from the building face and shall not extend above the sill of any window or above guard rails or balustrades immediately above the sign.

(2) Lamps and fixtures used to illuminate a wall sign shall not project more than three feet beyond building faces and shall have a minimum clearance of nine feet.

(D) Location.

(1) Except as permitted in division (C)(2) and (D)(2) of this section, no wall sign shall face onto a public lane or alley. A wall sign permitted under division (D)(2) of this section projecting over a lane or alley shall have a minimum clearance of 15 feet.

(2) A wall sign located above the permitted signable area shall only be permitted under the following conditions.

(a) When the content of a sign consists of prestigious advertising, such as logos and names of buildings or principal tenants and date of erection.

(b) When a sign, in the form of individual letters, symbols and logos, is directly attached to, or inscribed on, the building face.

(c) No more than one sign per building face and a maximum of four per building, provided that all of the signs are identical.

(d) The copy area of the sign shall not exceed 1/40 of the area formed by the distance measured from the grade to the bottom of the sign, multiplied by the width of the face of the building measured at the bottom of the sign. If there is no distinct width of the building faces, such as a circular building, the Building Official shall determine the width of the building faces.

(3) A wall sign may be permitted below the signable area when the Building Official can be assured that the public is satisfactorily protected from the sign and the sign is entirely over private property, and provided the permissible signable area is not exceeded.

('91 Code, § 8-5.8.020) (Ord. 824, passed 11-27-79) Penalty, see § 152.99

### **§ 152.57 GROUND SIGNS, POLE SIGNS AND FREE-STANDING SIGNS.**

(A) No signs or sign structure shall be located in a vision clearance area defined by the city zoning ordinance.

(B) Ground signs may have a display surface of combustible materials, as established by city ordinances and subject to the provisions of this chapter and the Uniform Building Code.

('91 Code, § 8-5.8.030) (Ord. 824, passed 11-27-79) Penalty, see § 152.99

### **§ 152.58 ROOF SIGNS.**

(A) The supporting members of roof signs are to be free of any extra bracing, angle iron, guy wires, cables and the like. All supports shall appear to be an architectural and integral part of the building.

(B) A passage, clear of all obstructions, shall be left under, around and immediately adjacent to all signs exceeding a height of four feet above the roof thereunder. The passages shall be not less than three feet wide and four feet high and shall be at parapet or roof level. There shall be one such passage or access opening, as follows.

(1) For each roof sign upon a building.

(2) For every 50 lineal feet of horizontal roof sign extension.

(3) Within 20 feet of walls and parapets when roof signs are at right angles to the face of the building.

('91 Code, § 8-5.8.040) (Ord. 824, passed 11-27-79) Penalty, see § 152.99

### **§ 152.60 MARQUEE SIGNS.**

(A) A sign may be attached on the underside of a marquee or structural projection. The sign shall not exceed 12 inches in height or six feet in length and must have at least eight feet of clearance between the bottom of the sign and grade. The location of the signs shall be limited to business entrance ways only.

(B) A roof or mansard-shaped projection may not project more than two feet over public property. A nonconforming existing roof may be continued indefinitely, but no building permit, alteration or reconstruction of the roof may be permitted which does not bring the roof into conformity with this chapter and shall not exceed 15 feet above grade, as provided for in the Uniform Building Code for veneer.

('91 Code, § 8-5.8.060) (Ord. 824, passed 11-27-79) Penalty, see § 152.99

## **REGULATION BY ZONE**

### **§ 152.70 ESTABLISHMENT OF SIGN ZONES.**

Sign zones are those established by the Prineville Zoning Map of March, 1998 as amended.

('91 Code, § 8-5.8.070) (Ord. 824, passed 11-27-79)

### **§ 152.71 R-1 ZONE.**

In an R-1 Zone, the following sign limitations shall apply, in accord with other provisions of this chapter.

(A) One sign per subdivision or planned unit development identifying the development, not exceeding 16 square feet of display area.

(B) Moving or intermittent flashing signs are prohibited.

(C) One non illuminated home occupation sign, not to exceed 200 square inches and bearing only the name and occupation of the resident, shall be permitted when allowed in conjunction with a home occupation permitted in accord with those provisions set forth in the city zoning ordinance.

('91 Code, § 8-5.9.010) (Ord. 824, passed 11-27-79) Penalty, see § 152.99

### **§ 152.72 R-2 ZONE.**

In an R-2 Zone, the following sign limitations shall apply, in accord with other provisions of this chapter.

(A) One sign per subdivision or planned unit development identifying the development, not exceeding 16 square feet of display area.

(B) Moving or intermittent flashing signs are prohibited.

(C) One non illuminated home occupation sign, not to exceed 200 square inches and bearing only the name and occupation of the resident, shall be permitted when allowed in conjunction with a home occupation permitted in accord with those provisions set forth in the city zoning ordinance.

('91 Code, § 8-5.9.020) (Ord. 824, passed 11-27-79) Penalty, see § 152.99

### **§ 152.73 R-3 ZONE.**

In an R-3 Zone, the following sign limitations shall apply, in accord with other provisions of this chapter.

(A) One sign per subdivision or planned unit development identifying the development, not exceeding 16 square feet of display area.

(B) Moving or intermittent flashing signs are prohibited.

(C) One non illuminated home occupation sign, not to exceed 200 square inches and bearing only the name and occupation of the resident, shall be permitted when allowed in conjunction with a home occupation permitted in accord with those provisions set forth in the city zoning ordinance.

('91 Code, § 8-5.9.030) (Ord. 824, passed 11-27-79) Penalty, see § 152.99

### **§ 152.74 C-1 ZONE.**

Sign limitations in the C-1 Zone are those set forth within this chapter, with no limitations specific only to that zone.

('91 Code, § 8-5.9.070) (Ord. 824, passed 11-27-79)

### **§ 152.75 C-2 ZONE.**

Sign limitations in the C-2 Zone are those set forth within this chapter, with no limitations specific only to that zone.

('91 Code, § 8-5.9.080) (Ord. 824, passed 11-27-79)

### **§ 152.76 C-3 ZONE.**

In a C-3 Zone, the following sign limitations shall apply, in accord with other provisions of this chapter.

(A) Identification signs for multi family dwellings or nonresidential uses shall be limited to one sign per use not exceeding six square feet in area and shall be located on the subject premises.

(B) Free-standing signs exceeding three feet in height and moving or intermittent flashing signs are prohibited, and no sign shall be located upon the roof of a building.

(C) No sign shall be illuminated between the hours of 10:00 p.m. and 7:00 a.m.

(D) No sign shall be located in or protrude into that portion of the street right-of-way which is now used for or which may be in the future used for vehicular traffic.

(E) No sign shall protrude more than four feet or hang lower than eight feet in height over pedestrian walkway areas of the ultimate street right-of-way.

(‘91 Code, § 8-5.9.040) (Ord. 824, passed 11-27-79) Penalty, see § 152.99

#### **§ 152.77 C-4 ZONE.**

In a C-4 Zone, the following sign limitations shall apply, in accord with other provisions of this chapter.

(A) For any use permitted by this section, the total area of all signs shall not exceed 100 square feet; no free-standing sign shall exceed 32 square feet; and height of 12 feet.

(B) No sign exceeding ten square feet of area and two feet in height shall be located upon the roof of any building.

(C) No sign shall exceed 15% of the wall it is attached to.

(D) No sign shall be located in or protrude into that portion of the street right-of-way which is now used for or which may be used for vehicular traffic.

(E) No sign shall protrude more than four feet or hang lower than eight feet in height over pedestrian walkway areas of the ultimate street right-of-way.

(F) No sign shall be illuminated between the hours of 11:00 p.m. and 7:00 a.m.

(‘91 Code, § 8-5.9.050) (Ord. 824, passed 11-27-79) Penalty, see § 152.99

#### **§ 152.78 C-5 ZONE.**

In a C-5 Zone, the following sign limitations shall apply, in accord with other provisions of this chapter.

(A) For any use permitted by this section, the total area of all signs shall not exceed 100 square feet; no free-standing sign shall exceed 32 square feet and a height of 12 feet.

(B) No sign exceeding ten square feet of area and two feet in height shall be located upon the roof of any building.

(C) No sign shall exceed 15% of the wall it is attached to.

(D) No sign shall be located in or protrude into that portion of the street right-of-way which is now used for or which may be used for vehicular traffic.

(E) No sign shall protrude more than four feet or hang lower than eight feet in height over pedestrian walkway areas of the ultimate street right-of-way.

(F) No sign shall be illuminated between the hours of 11:00 p.m. and 7:00 a.m.(‘91 Code, § 8-5.9.060) (Ord. 824, passed 11-27-79) Penalty, see § 152.99

#### **§ 152.79 M-1 ZONE.**

Sign limitations in the M-1 Zone are those set forth within this chapter, with no limitations specific only to that zone.(‘91 Code, § 8-5.9.090) (Ord. 824, passed 11-27-79)

#### **§ 152.80 M-2 ZONE.**

Sign limitations in the M-2 Zone are those set forth within this chapter, with no limitations specific only to that zone.(‘91 Code, § 8-5.9.100) (Ord. 824, passed 11-27-79)

## **ADMINISTRATION AND ENFORCEMENT**

### **§ 152.90 REMOVAL OF SIGNS.**

The Building Official may remove or may order the removal of signs as follows.

(A) Signs in violation of chapter. If the Building Official determines that any sign that is being maintained in violation of the provisions of this chapter or has been erected without the permit required by this chapter, he shall give 30 days written notice to the owner of the sign and the owner of the building, structure or premises upon which the sign is located, if known. The notice shall specify the violation of this chapter. If the owner of the sign refuses to remove the sign or bring it into compliance with the provisions of this chapter, the Building Official may order its removal. Where the owner of the sign or the owner of the building, structure or premises upon which the sign is located has been notified pursuant to this section or cannot be located after a reasonable time, and the person refuses to comply with this chapter or to remove the sign, the Building Official may remove, or authorize others to remove, the signs at the expense of the owner of the sign and the owner of the building, structure or premises on which the sign is located; and the costs and expenses, including but not limited to, notification efforts to secure compliance, the painting out of the sign, sign removal, storage or transportation, shall be a lien against the land on which the sign is located and may be collected or foreclosed in the same manner as liens which are entered in the lien docket of the city.

(B) Dangerous signs. If the Building Official finds that any sign is in violation of this chapter and that, by reason of its condition, it presents an immediate and serious danger to the public, he/she may, without prior written notice, order its immediate removal or repair within a period of time that he/she may specify. The Building Official may remove or authorize others to remove the sign in the event that the person responsible for the sign cannot be found or the person, after notification, refuses to repair or remove it. The owner of the sign and the owner of the building, structure or premises on which the sign is located are jointly and severally liable for the cost of removing the sign as specified in division (A) of this section, and the costs may be a lien upon the land on which the sign is located and may be collected and foreclosed in the same manner as liens that are entered in the lien docket of the city.

(C) Removal of abandoned signs. Any person who owns or leases a sign shall remove the sign within 30 days after notification by the Building Official when either the business it advertises has discontinued business in the city; or the business it advertises is no longer conducted in or upon the premises on which the sign is located. If the person who owns or leases the sign fails to remove it as provided in this section, the Building Official may remove the sign. The following signs need not be removed in accordance with this section.

(1) Billboards, where a person has merely leased or contracted advertising space thereon.

(2) Signs which the successor to a person's business location or business agrees to maintain, as provided in this chapter.

('91 Code, § 8-5.10.010) (Ord. 824, passed 11-27-79)

**§ 152.91 NONCONFORMING SIGNS.**

All signs which become nonconforming at the time of passage of the 1979 amendments to this chapter shall comply with the regulations of this chapter when those signs are replaced or altered.

(‘91 Code, § 8-5.10.030) (Ord. 824, passed 11-27-79)

**§ 152.92 APPEALS.**

A person may appeal to the Planning Commission a decision or requirements made pursuant to this chapter by the Building Official. A person may appeal to the City Council a decision or requirement made by the Planning Commission. Written notice of appeal must be filed with the Planning Department within 15 days after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirement and the specific grounds for the appeal, setting forth the error and the basis of error sought to be reviewed.

(A) The Planning Commission or City Council shall hold a hearing on the appeal within 30 days from the time the appeal is filed. The Planning Commission or City Council may continue the hearing for good cause.

(B) The City Council may review a lower decision upon its own motion after giving ten days notice to the parties involved in the decision, and if the review is within 15 days of receipt of notice of the initiated lower decision.

(C) The petition for appeal shall be accompanied by the required fee of \$25 plus a deposit to cover the estimated costs of the transcript as specified by the Planning Director, which deposit shall be paid within five days of such estimate by the Planning Director. Within ten days of the notice of completion of a required transcript, the party seeking review shall transmit the balance due of any required transcript fee to the Planning Director and failure to do so may cause dismissal of the appeal. Any deposit in excess shall be returned to the depositing party.

(D) Unless otherwise provided by the City Council under division (E) of this section, the review of the Planning Commission action shall be confined to the record of the proceeding below which shall include the following.

(1) All materials, pleadings, memoranda, stipulations and motions submitted by any party to the proceeding and received or considered by the Commission as evidence.

(2) All materials submitted by the Planning Director with respect to the application.

(3) The transcript of the hearing below.

(4) The findings and action of the Commission and the petition of appeal.

(5) Argument (without introduction of new or additional evidence) by the parties or their legal representatives at the time of review before the City Council.

(E) The City Council may, at its option, determine to admit additional testimony and other evidence by all interested parties or parties of record to supplement the record of the proceedings held by the Commission. Such consideration may be initiated by order of the City Council or upon written motion of a party of record or interested person. The written motion shall set forth with particularity the basis for the request and the nature of the evidence sought to be introduced. Prior to making the

determination of whether to permit the record to be supplemented, the City Council shall provide an opportunity for all parties to be heard on the matter. The City Council may grant the opportunity to supplement the record if it finds such necessary to do the following.

- (1) Prevent prejudice to parties.
  - (2) Take into consideration the inconvenience of locating the evidence at the time of initial hearing, with the inconvenience not being the result of negligence or dilatory act by the moving party.
  - (3) Prevent surprise to opposing parties.
- (F) Following the hearing, the City Council may affirm, overrule or modify any decision or requirement and shall set forth findings for the decision.
- (G) The procedure, public notice and type of hearing for an appeal or review shall be in the same manner as those set forth in the city zoning ordinance.  
(‘91 Code, § 8-5.10.050) (Ord. 824, passed 11-27-79)

**§ 152.99 PENALTY.**

Any person violating any provisions of this chapter shall be guilty of a misdemeanor; and any such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of this chapter is committed, continued or permitted; and, upon conviction of any the violation, the person shall be punishable by a fine of not more than \$300 and imprisonment of not more than 90 days, or by both the fine and imprisonment.  
(‘91 Code, § 8-5.10.040) (Ord. 824, passed 11-27-79)