

CITY OF RIVERGROVE MUNICIPAL SIGN ORDINANCE

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Section 1. Title.

This ordinance shall be known as the “Rivergrove Sign Ordinance.”

Section 2. Purpose.

The purpose of this ordinance is to protect the health, safety, property and welfare of the public, to provide a neat, clean, orderly and attractive appearance of the community, to improve the effectiveness of signs, to provide for safe construction, location, erection and maintenance of signs, to prevent proliferation of signs and sign clutter, to minimize adverse visual safety factors to travelers on public highways and on private areas open to public travel, and to achieve this purpose consistent with state and federal constitutional limits on the regulation of speech. To achieve this purpose it is necessary to regulate the design, quality of materials, construction, location, electrification, illumination, and maintenance of signs that are visible from public property, public rights-of-way and private areas open to public travel.

Section 3. Definitions.

For the purposes of this ordinance, 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:

Banner—A sign made of fabric or other non-rigid material with no enclosing framework.

Bench sign—A sign on an outdoor bench.

Billboard—A sign on which any sign face exceeds two hundred square feet in area.

Flag—A 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.

Freestanding sign—A sign that is not attached to a building and is erected on a structure connected to the ground. A freestanding sign does not include a portable sign. 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 and a freestanding sign shall not project or extend into a right-of-way or any vision clearance area. Only one freestanding sign is allowed for each street frontage.

Handheld sign—A hand carried sign of four square feet or less, four linear feet in any direction, worn or carried by a person when being displayed.

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

Name plate—A permanent wall sign located on the front façade of a residential structure.

Nonconforming sign—A sign that was lawful when it was constructed but does not meet the requirements of this ordinance.

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

Portable sign—A sign that is not permanently affixed to a building, structure, or the ground and designed to be moved from place to place.

Public right-of-way—A travel area open for public use and or under control of a public agency, including but not limited, to highways, private streets, public streets, bike paths, alleys and sidewalks.

Public sign—A sign that was constructed or placed within or proximate to the public right-of-way by or with the approval of the governmental agency having authority over, control of or ownership of the right-of-way or a sign that was constructed or placed by a public utility on or adjacent to a pole, pipe, or distribution facility of the utility and within or proximate to the public right-of-way.

Repair—Mending or replacing broken or worn parts with comparable materials.

Roof sign—A sign erected upon, against, or over the roof of any building or structure.

Seasonal decorations—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.

Sign—Any writing, video projection, pictorial representation, illustration, decoration (including any material used to differentiate sign copy from its background), 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, transmitted 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 or device whatsoever; and
3. By reason of its form, color, wording, symbol, design, or illumination, attracts or is designed to attract attention and communicate a message. Graphics, murals and art work that do not communicate informational messages, apart from any aesthetic or artistic

message, are not signs. It is a disputable 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 copy—The message or image conveyed by a sign.

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

Sign area—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 height—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—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—The length or width of a site, measured along a line separating the site from a street or public right-of-way.

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 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.

Supporting structure—A structure specifically intended for supporting or containing a sign.

Temporary Signs – See Section 7 of this ordinance.

Vehicle sign—A non-illuminated sign permanently or temporarily placed on or attached to the exterior of a motor vehicle, trailer railroad car, or light rail car that is used in the regular course of business for purposes other than the display of signs.

Video sign.—A sign providing information in both a horizontal and vertical format (as opposed to linear), through use of pixel, sub-pixel or other technology having the capacity to create continuously changing sign copy.

Vision clearance area—A triangular area on a lot at the intersection of two streets or a street and a railroad, alley, or driveway, two sides of which are lot lines measured from the corner intersection of the lot lines. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

Section 4. General Requirements.

A. Except as provided in this ordinance, 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 ordinance.

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

C. This ordinance 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 this ordinance conflicts with a provision of any zoning, 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.

D. This ordinance is not intended to, and does not restrict speech on the basis of its content, viewpoint or message. Any classification of signs in this ordinance 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 ordinance shall be construed to favor commercial speech over non-commercial speech. To the extent any provision of this ordinance 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.

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

Section 5. Exempt Signs.

Except for signs prohibited by this ordinance, the following signs are exempt from the provisions of this ordinance:

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

B. Public Signs.

C. Signs required by law, administrative order or judicial order and erected by public employees performing official duties.

Section 6. Allowed Signs.

The following signs are allowed in all areas of the City and do not require any permit. All signs listed in this section are subject to all other applicable requirements of the Rivergrove Sign Code.

- A. One indirectly illuminated or non-illuminated sign not exceeding one and one-half square feet in area placed on any non-multifamily residential lot. This type of sign is typically used as a name plate.
- B. Flags, provided that no more than 2 flags are displayed upon a lot under two acres in size and no more than 5 flags are displayed upon a lot two or more acres in size. Flag pole height may not exceed the maximum height limitation contained in the Rivergrove Land Development Ordinance.
- C. Vehicle signs.
- D. Signs displayed upon a bus or light rail vehicle owned by a public transit district.
- E. Seasonal decorations on private property. Seasonal decorations may include flashing or illuminated elements.
- F. Handheld signs.
- G. Signs up to four square feet, four linear feet in any direction and four feet maximum height, constructed or placed within a parking lot. These signs are typically used to direct traffic and parking.
- H. Any public notice or warning required by federal, state or local law, regulation or ordinance, or a 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.
- I. A sign that does not exceed four square feet, four linear feet in any direction and four feet maximum height, is not erected in a vision clearance area, and is erected on property where there is a danger to the public or to which public access is prohibited.
- J. Signs incorporated into vending machines or gasoline pumps.
- K. Temporary signs as allowed under Section 7 of this ordinance.

Section 7. Temporary Signs.

- A. Temporary signs may be erected and maintained in the city only in compliance with the regulations in this ordinance, 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. Temporary signs shall be kept neat, clean and in good repair. Signs that are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed. A temporary sign shall be attached to the site or constructed in a manner

that both prevents the sign from being easily moved or blown from its location and allows for the easy removal of the sign.

3. Except as provided in this code, temporary signs shall not be attached to trees, shrubbery, utility poles or traffic control signs or devices. Temporary signs shall not obscure or obstruct signs on adjacent premises.

4. No temporary sign shall be erected or maintained that, by reason of its size, location or construction constitutes a hazard to the public.

B. 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 ordinance. 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. Freestanding signs not exceeding four square feet, four linear feet in any direction and four feet maximum height, during the period from 120 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 four square feet, four linear feet in any direction and four feet maximum 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 freestanding sign not exceeding four square feet, four linear feet in any direction and four feet maximum height, during the time of sale, lease or rental of the property provided that the sign is removed within 15 days of the sale, lease or rental of the property. The sign may remain in place for no more than 60 days in any 90 day period.

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 and shall not affect the amount or type of signage otherwise allowed by this ordinance. 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 sidewalk exists. No temporary sign shall extend into a vision clearance area. Temporary signs allowed in the right-of-way shall include:

a. Signs owned or erected by a governmental entity.

b. Portable signs limited to a maximum of four square feet, four linear feet in any direction and four feet maximum 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.

c. Bench signs located at mass transit stops so long as the bench sign copy does not exceed 15 square feet and the bench sign is approved by the owner.

d. Signs attached to mass transit shelters that have been approved by the mass transit agency and the owner.

Section 8. Prohibited Signs.

The following signs are unlawful and are nuisances:

A. Billboards.

B. Video signs.

C. Any sign constructed, maintained or altered in a manner not in compliance with this ordinance.

D. 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.

E. Any sign located in a manner that could impede traffic on any street, alley, sidewalk, bikeway or other pedestrian or vehicular travel way.

F. Any sign equipped with moving, rotating or otherwise animated parts.

G. Any sign that is wholly or partially illuminated by a flashing light, lights, lamps, bulbs, or tubes, except as specifically allowed elsewhere in this sign ordinance. Rotary beacon lights, zip lights, strobe lights, or similar devices shall not be erected or maintained, or attached to or incorporated in any sign.

H. Roof signs.

I. Any sign attached to a tree or a plant, a fence or a utility pole, except as otherwise allowed by this ordinance.

J. 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.

2. Temporary signs specifically allowed within the public right of way under section 7 of this ordinance.

K. Temporary signs, including banners, pennants, wind signs, and flags, except as authorized by sections 6 or 7 of this ordinance.

Section 9. Nonconforming Signs.

A. Nonconforming signs may continue to exist, subject to the following provisions:

1. No additions or enlargements may be made to a non-conforming sign except those additions or enlargements that are required by law.

2. A sign that is moved, replaced, or structurally altered shall be brought into conformance with this ordinance, except that:

a. Nonconforming signs may be repaired and maintained and may have the sign copy changed. A sign may be removed from its sign structure for repair or maintenance if a permit is obtained under this ordinance.

b. Nonconforming signs may be structurally altered when the alteration is necessary for structural safety.

c. Nonconforming signs may be reconstructed if required to be moved for construction or repair of public works or public utilities and the sign reconstruction is completed within 90 days after the completion of the public works or public utility construction or repair.

3. A nonconforming sign that is damaged shall not be repaired if the estimated expense to repair the sign exceeds 50 percent of the replacement cost of the sign as of the day before the sign was damaged. A damaged nonconforming sign that cannot be repaired shall be removed within 90 days of the date the sign was damaged. As used herein, "nonconforming sign" includes the sign structure, foundation and supports.

4. Whenever a nonconforming sign is damaged and the estimated cost to repair the sign is 50 percent or less of its replacement value as of the day before the sign was damaged, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a nonconforming sign, provided that such repairs and restoration are started within 90 days of the date the sign was damaged and are diligently pursued thereafter.

5. No nonconforming sign shall be permitted to remain unless properly repaired and maintained as provided in this ordinance. A sign maintained in violation of this provision shall be removed as provided in section 11 of this ordinance. Any nonconforming sign that is determined by the building official to be an unsafe sign shall be removed as provided in this ordinance.

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.

Section 10. Construction and Maintenance Standards.

A. All permanent signs shall be constructed and erected in accordance with the requirements of the International Building Code, as adopted by the State of Oregon.

B. 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 ordinance.

C. 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.

D. 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 11. Removal of Signs.

A. The City Manager may remove or may order the removal of any sign erected or maintained in violation of the provisions of this ordinance or other applicable provisions of this code. Signs installed in violation of any prior sign code or applicable laws and regulations, and which are in violation of this ordinance, shall be removed, replaced or altered in order to conform to the requirements of this ordinance. An order to remove a sign shall be in writing and mailed to the owner of the sign or the owner of the building, structure or premises on which the sign is located.

B. The order shall inform the owner that the sign violates the regulations in this ordinance and must be brought into compliance or be removed within 30 days of the date of the order. The City Manager may order immediate removal of a sign under subsection (G) of this section.

C. If the owner fails to immediately remove an unsafe sign or otherwise fails to file an appeal or remove a sign within 30 days of the date of the City Manager's order, or within the time provided in the decision rendered following an appeal, the City Manager shall cause the sign to be removed. The removal shall be at the expense of the owner of the sign or the owner of the building, structure, or premises on which the sign is located.

D. These costs and expenses, including, but not limited to, the notification, efforts to secure compliance, painting out of a sign, sign removal, storage, transportation and attorneys fees, shall

be a lien against land or premises on which the sign is located, and may be collected or foreclosed in the same manner as liens *that* are entered in the liens docket of the City of Rivergrove.

E. Instead of removing a sign, the City Manager may file charges against the sign owner in Rivergrove municipal court. Each day following the 30 day period in which the sign owner is not in compliance with this ordinance constitutes a separate violation.

F. Any sign installed or placed on public property, except in conformance with the requirements of this ordinance, shall be forfeited to the city and confiscated. Removal costs may be collected as provided in section 13 of this ordinance.

G. If the City Manager finds that any sign is in violation of the applicable provision of this code and that, by reason of its condition, it presents an immediate and serious danger to the public, the City Manager may, without prior written notice, order the immediate removal or repair of the sign within a specified period. The City Manager may remove or authorize others to remove the sign in the event that the person responsible for such sign cannot be found or if that 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 severably liable for the cost of removing such sign as provided for in section 13 of this ordinance.

Section 12. Enforcement of Rivergrove Sign Ordinance by City Manager.

A. The City Manager is hereby authorized and directed to enforce the provisions of this ordinance. Upon presentation of proper credentials the City Manager or duly authorized representative may enter at reasonable times any building or structure or upon any premises in the city to perform any duty imposed upon the City Manager by this ordinance.

B. The City Manager may promulgate reasonable rules and regulations necessary to carry out the provisions of this ordinance.

C. The city shall store any sign ordered to be removed by the City Manager for a period of 30 days from the time the person responsible therefore is notified as provided in this ordinance. The city shall continue to store such sign for any additional period during which an appeal thereon is before the planning and zoning hearings board or municipal court. At the expiration of the time specified in this section, if the person responsible for the sign or other interested person has not reclaimed the sign as provided herein, the City Manager may destroy the sign or dispose of it in any manner deemed appropriate.

D. To reclaim any sign removed by the City Manager the person reclaiming the sign shall pay the city an amount equal to the costs incurred by the City Manager in enforcing this ordinance.

E. This ordinance shall not be construed to create mandatory enforcement obligations for the city. The enforcement of this ordinance 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 Manager.

Section 13. Penalties.

A. The city council is empowered to determine violations of this ordinance and seek remedies in circuit court. In addition to any other penalty of law, the court is empowered to issue an injunctive order, impose a monetary penalty, or enter a judgment necessary to insure cessation of the violation.

B. Each day there is a violation of any provision of this ordinance constitutes a separate offense.

C. Any person who places a sign on property in violation of this ordinance shall be responsible for all costs, including attorney fees, incurred by the City in enforcing the terms of this ordinance.