



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/19/2013

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Mt. Angel Plan Amendment
DLCD File Number 001-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, April 02, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Kelsey Lewis, City of Mt. Angel
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative

<paa> N



FORM 2

HAND DELIVERED

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

MAR 12 2013

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Mt. Angel**

Local file number: **LA 2012-01**

Date of Adoption: **3/4/2013**

Date Mailed: **3/12/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 10/2012

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amend development code to increase maximum number of signs allowed in commercial zone from 2 to 3, excluding one (1) temporary banner and one sandwich board sign from the maximum and to allow the City Council at large to designate its member on the Design Review Board.

Does the Adoption differ from proposal? Please select one

The addition of changing the development code to allow the City Council at large to designate its member on the Design Review Board.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 001-12 (19547) [17381]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Kelsey Lewis**

Phone: **(503) 845-9291** Extension:

Address: **5 Garfield St - PO Box 960**

Fax Number: **503-845-6261**

City: **Mt. Angel**

Zip: **97362-**

E-mail Address: **klewis@ci.mt-angel.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 **green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

**CITY OF MT. ANGEL
ORDINANCE NO. 736**

**AN ORDINANCE AMENDING THE CITY OF MT. ANGEL DEVELOPMENT CODE
SECTION 11, SIGN PROVISIONS REGARDING COMMERCIAL SIGNS AND
SECTION 16 DESIGN REVIEW BOARD REGARDING APPOINTMENTS.**

WHEREAS, the City of Mt. Angel Development Regulations (Section 2.1(d)) requires a legislative action (Type IV procedure) in which the City considers and enacts and amends laws and policies and conducts the process in cooperation with the Oregon Department of Land Conservation and Development (DLCD) upon amending the City of Mt. Angel Development Code;

WHEREAS, the Planning Commission conducted a public hearing to consider the proposed amendments to Section 11, Signs in the Mt. Angel Development Code on November 27, 2012, and at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, at the close of the public hearing, the Planning Commission voted to recommend that the City Council approve the amendments (with modifications) to the City of Mt. Angel Development Code; and

WHEREAS, the City Council conducted a public hearing to consider amendments to the Mt. Angel Development Code on February 4, 2013, at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, at the close of the public hearing, the City Council voted to approve the requests subject to the revisions stated at the public hearings; and

WHEREAS, proper notice of the said public hearings was given to the public pursuant to applicable state statutes; and

WHEREAS, the City Council of the City of Mt. Angel hereby adopts the findings of fact set forth in the staff report prepared for the February 4, 2013 Council meeting;

NOW THEREFORE THE CITY OF MT. ANGEL ORDAINS AS FOLLOWS:

Section 1. The adoption of the amendments to the Mt. Angel Development Code with all as provided in Exhibit A (attached).

First Reading: Passed and approved by the City Council this 4th day of February, 2013 by the following vote:

AYES: 5

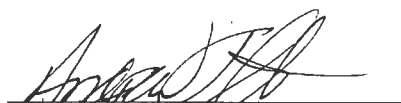
NAYS: 0

Second Reading: Passed and approved by the City Council this 4th day of March, 2013 by the following vote:

AYES: 6

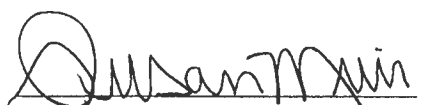
NAYS: 0

Approved by the Mayor this 4th day of March, 2013.



Andrew Otte, Mayor

Attested by:



Susan Muir, City Administrator

EXHIBIT A

Legislative Amendment 2012-01

NOTE:

~~Strike through~~ indicates text proposed to be deleted

Bold and underline indicates text proposed to be added

SECTION 11

SIGN PROVISIONS

11.10 COMMERCIAL AND INDUSTRIAL SIGN REGULATIONS.

Business signs in the General Commercial Zone (CG), Downtown Core Zone Overlay District (DC), Light Industrial Zone (IL) and the (with exceptions) Residential Commercial Zone (RC) shall conform to the following regulations unless regulated elsewhere in this Ordinance:

- (a) Special Provisions.
- (1) Frontage - The number and use of signs allowed by virtue of a given business frontage shall be placed only upon such business frontage, and no building shall be credited with more than two business frontages.
 - (2) Aggregate number of signs -
 - (i) **Commercial (CG).** The aggregate number of signs for each business shall ~~be two~~ **not exceed three** signs for each business frontage (a frontage with an entrance/exit open to the general public). **One temporary banner per business frontage and one sandwich board sign per business are excluded from this limit.**

Note: A temporary banner is based upon the Code's definition of "Temporary Use." *(For informational purposes and to supplement this staff report, temporary use is defined in Section 1.10 as "a use that is seasonal or directed toward a specific event or occasioned by an unforeseen event.")*

 - (ii) **Residential Commercial (RC), Downtown Core (DC), and Industrial (IL).**
The aggregate number of signs for each business shall ~~be~~ **not exceed** two signs for each business frontage (a frontage with an entrance/exit open to the general public).
 - (3) Aggregate area of signs - The aggregate area of all signs established by and located on a given street frontage shall not exceed an area equal to one square foot

for each lineal foot of street frontage. Aggregate area shall not include nameplates, daily display signs, window signs and temporary signs.

SECTION 16

DESIGN REVIEW BOARD

16.2 MEMBERSHIP

The Design Review Board shall be composed of one (1) member ~~to be~~ appointed by ~~the Mayor~~ ~~with the consent of the~~ City Council, one (1) member appointed by the Planning Commission from its membership, and the City Administrator. These members shall hold office at the pleasure of the ~~Mayor~~ Council.

CITY OF MT. ANGEL
STAFF REPORT
LEGISLATIVE AMENDMENT 2012 – 01

Staff Report: January 25, 2013
City Council Hearing Date: February 4, 2013

- APPLICANT:** City of Mt. Angel
- REQUESTS:** To amend the Commercial Sign Regulations (Mt. Angel Development Regulations, Section 11.10) to increase the aggregate number of allowable business signs from two (2) to three (3) and to exclude the use of one temporary banner and one sandwich board sign in the total number of signs allowed per business. See Attachments A and B.
- To amend the appointment process for citizen members on the Design Review Board from a Mayor’s appointment to appointment by the full City Council (Mt. Angel Development Regulations, Section 16.2).
- See Attachment A.
- EVALUATION:** City of Mt. Angel Development Code, Sections 11.1 (a)(1) (Purpose Statement) and Section 11.1(a)(2) (Bavarian Theme compatibility); Comprehensive Plan Commercial Land Use Goal; and Statewide Planning Goal 1 (Citizen Involvement), Goal 2 (Land Use Planning), and Goal 9 (Economic Development).
- ATTACHMENTS:** Attachment A: Proposed Development Regulations text amendments (Section 11.10 (a)(2)—Commercial and Industrial Sign Regulations and Section 16.2—Design Review Board, Membership)
- Attachment B: Map showing area affected by proposed amendment
- Attachment C: Written testimony from Mt. Angel Telephone Co. and Mt. Angel resident Jim Kosel

STAFF REPORT FORMAT: This staff report includes the following sections: background; appeal; review procedures; review standards and findings of fact; a Planning Commission recommendation; City Council options; and a recommended motion. The review standards provide the basis for making a determination under the land use process. Staff listed the applicable sections of City and State documents that need to be addressed and a “finding” (response) to each standard or goal.

I. BACKGROUND

In October 2012, the Mt. Angel City Council heard testimony from a downtown business owner stating that the current sign code was too restrictive and the business owner requested that additional signs be allowed. The City Council directed City staff to initiate with the Planning Commission consideration of a code amendment to change the maximum aggregate number of signs from 2 to 3 signs per business frontage and excluding in the total count of allowed signs (also per frontage) one (1) temporary banner and one (1) sandwich board sign.

This is a legislative code amendment process started with a public hearing before the Mt. Angel Planning Commission that took place on November 27, 2012. Two members of the public attended the meeting; Jim Kosel, a Mt. Angel resident who submitted written testimony, and Christine Butsch, proprietor of Burgertime. The discussion at the hearing focused mostly on defining the terms “temporary” and “banner.” The Planning Commission’s recommendation is included in this report under Section V.

After the Planning Commission hearing and to provide consistency in the appointment process for City committees, commissions, and boards; staff suggested revising the appointment process for selecting a City representative to the Design Review Board from a Mayor appointment to appointment by the City Council. As a member of the Design Review Board this appointee would also be responsible for reviewing some sign permits. The Design Review Board reviews signs for compatibility when properties are located within the Theme District. This proposed amendment allows the City Council the opportunity to appoint its representative to the Board instead of only the Mayor.

At the February 4, 2013 Council meeting, the City Council will conduct a public hearing to decide whether to adopt, modify, or not adopt the proposed amendments. The City Council is also required to pass an ordinance to formally adopt any Code amendments.

II. APPEAL

If the City Council adopts amendments to the City’s sign provisions, the City notifies the Oregon Department of Land Conservation and Development (DLCD) regarding approved Code amendments within five (5) working days of the final decision. The DLCD notifies parties of the City’s final decision and provides an opportunity for individuals to comment.

III. REVIEW PROCEDURE

The Mt. Angel Development Code outlines the process for these types of amendments. According to Mt. Angel Development Regulations, Section 2.1 (d), a Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. The City Council makes the final, local decision. Sections 2.3 and 2.4 indicate the requirements for notification of the public hearing and the hearing procedures.

IV. REVIEW STANDARDS & FINDINGS OF FACT

City of Mt. Angel, LA 2012-01 (sign regulation amendment), 2013 Council hearing

The City must review all standards that apply to a proposed code amendment as part of this legislative process. A Legislative Land Use Action is defined as “an ordinance amendment to the policies, procedures, standards or criteria of the Comprehensive Plan or Zoning Ordinance which does not apply to specifically identified persons or properties, except insofar as persons or properties are generally affected by reason of change in such policies, procedures, standards or criteria.” In other words, this is not a property specific request but rather a general statement that applies to a larger group of properties.

Development Regulation 1: The amendment is reviewed in comparison with the “Sign Regulation Purpose” statement. According to Section 11.1 (a)(1), “the purpose . . . is to help the appearance of the city by encouraging well-designed and wisely located signs, which are consistent with the intent and objectives of the Comprehensive Plan . . . regulations are intended to control the size, location, number and type of signs in such a manner as to minimize any adverse effects on the public health, safety, and general welfare or overall aesthetic appearance of the city.”

Findings: This proposed amendment is consistent with this Code section. The applicable amendments are limited to increasing the aggregate number of signs from two (2) to three (3) in number. All other applicable sign regulations for commercial businesses continue to apply to a property located within the CG zone district.

Development Regulation 2: Section 11.1(a)(2) (Development Regulations) adds that the regulations are “to encourage compatibility with the Bavarian Theme District within the Commercial General (CG) and Residential Commercial (RC) Zones of the City.

Findings: This proposed amendment is consistent with this Code section. According to the Development Regulations, Section 11.7 and 11.8, all signage within the Commercial General (CG) zone district is reviewed by the Design Review Board to determine compatibility with the Bavarian Theme District.

The changes in the sign code as presented in the amendment are not applicable to properties located within the Residential Commercial district.

Comprehensive Plan Goals and Policies: The amendments are reviewed in comparison with the City’s Comprehensive Plan.

Finding: This proposed amendment is consistent with this section of the City’s Comprehensive Plan. A Commercial Land Use Goal is “to develop a business center that is easily accessible, convenient, and a pleasant place in which to shop. One of the objectives to meet that goal is to “develop an ordinance provision . . . for controlling the height, area and location of business signs.” Current regulations already address size, area, and location of “daily display signs,” and increasing the allowed total number of signs allowed by one (1) is within the City’s land use goal.

Statewide Planning Goals: The amendments were reviewed in comparison with the applicable Statewide Planning Goals which are:

City of Mt. Angel, LA 2012-01 (sign regulation amendment), 2013 Council hearing

Goal 1: Citizen Involvement – to develop a citizen involvement program that insures opportunity for citizens to be involved in all phases of the planning process.

Goal 2: Land Use Planning – to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of the land and to assure an adequate factual base for such decisions and actions.

Goal 9: Economic Development – to provide adequate economic opportunities throughout the State for a variety of economic activities vital to the health, welfare, and prosperity of Oregon citizens.

Finding: These proposed amendments are consistent with the applicable Statewide Planning Goals. The City conducts public hearings before the Planning Commission and City Council. The hearings allow individuals to participate in a process as established by the City to consider changes to its development regulations—including sign provisions. The City allowing additional signage on property increases a business’ opportunity to advertise. Signage in a variety of types, locations, size, and numbers can assist in commercial prosperity. Changing the appointment process to the Design Review Board to the full City Council increases the opportunity for public awareness, transparency and discussion.

V. PLANNING COMMISSION RECOMMENDATIONS

The Planning Commission recommends to the City Council approval of the amendments to the City’s Development Regulations, Sign Provisions, Section 11, as presented in Attachment A with the additional suggestion to clarify the term “temporary banner.”

The Commission also suggested that the City Council consider future review (not included in this amendment) of the Sign Provisions specific to font requirements (Bavarian Theme District) and allow input from the business community. This suggestion came up from discussion about the overall workability of the code and informal discussion with staff and one member of the audience who did not come to testify about the number of signs but gave her perspective as a business owner in town. The staff shared during the discussion that they receive negative feedback from businesses regarding the requirement to use Bavarian fonts for signs. The business owner who attended stated that the Bavarian fonts were difficult to read and that was her number one issue with the sign code.

Note: The Planning Commission did not consider the portion of the proposed amendments related to the City Council appointing its designated member to the Design Review Board.

VI. CITY COUNCIL OPTIONS

- A. Approve the amendments as presented in Attachment A, or
- B. Approve the amendments with modifications to Attachment A (stating the suggested revisions), or

City of Mt. Angel, LA 2012-01 (sign regulation amendment), 2013 Council hearing

- C. Deny the amendments as presented in Attachment A stating how the proposed amendments do not meet a City or State standard, goal, or policy and identifying the applicable provision not met.

ATTACHMENT A

City of Mount Angel Legislative Amendment 2012-01

NOTE:

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SECTION 16

DESIGN REVIEW BOARD

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Attachment C

Item #12 Attachments

Diana Coleman
Vice President - General Manager

RECEIVED
NOV 16 2012

November 16, 2012

Susan Muir
City Administrator
City of Mt. Angel
P.O. Box 960
Mt. Angel, OR 97362

Dear Susan:

We appreciate the opportunity to provide written comment regarding the proposal to initiate a code amendment that would increase the total number of signs allowed per business from two to three. And, to allow one sandwich board per business and one temporary banner that would not count towards the total allowed signs.

Mt. Angel Telephone displays outdoor temporary banners when we promote a product or service. There could be occasions where we might have more than one temporary banner or sandwich board on display.

We support the code amendment and thank the city for working with the business community on this project. Our goal is to encourage business growth; and the whole community benefits.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads 'Maureen Ernst'.

Maureen Ernst
Mt. Angel Telephone

Attachment C

Item #12 Attachments

From: [Jim and Martha Kosel](#)
To: [Kelsey Lewis](#)
Subject: Cover Letter For Mt. Angel Sign Section 11 Proposal
Date: Monday, November 19, 2012 11:00:38 AM

November 19, 2012

Dear Planning Commission Members:

Topic: Mt. Angel Development Code, Section 11, Sign Provisions

It has been noted that Section 11 may be user unfriendly for some businesses. For example there is some duplicity (projecting/projection signs) with somewhat conflicting sub-sections, making it difficult at times for both applicants and City staff to interpret.

Section 11, as currently written, does not provide for Bavarian themed signage throughout the City. Having Bavarian themed signage throughout the City would enhance the visual attractiveness of the entire City, and would compliment several components of the City Vision statement.

Section 11 and similar codes for five (5) cities and one (1) state have been reviewed, and the attached proposal for a new Sign Provisions code (Section 11) is attached for your review. The attached eliminates oversights of our current code, includes future annexations, and plans for the future attractiveness of our City. Some of the changes/additions include:

1. Bavarian themed signage will be required throughout the City for all new signs, design change, relocations, etc. (11.1 (B)), (11.7).
2. All existing signs would be grandfathered until there is a sign design change, relocation, etc. (11.12 (C)). Note, some communities (Lake Oswego) require compliance to code changes within ten (10) years, not so with the proposed code.
3. A definition for "Community Service Event" has been added (11.3 (10)), with most signage for such events exempted (11.8 (B)).
4. A definition for "Political Signs (11.3 (25)) has been expanded. The number of political signs per lot, sizes and allowable days for displaying has been reduced (11.8 (H)). This should reduce visual pollution during election periods.
5. Flashing signs, excepting time/temperature signs, are prohibited (11.9 (C)).
6. Logo signs for businesses are exempted from Bavarian themed lettering styles (11.11 (A) (3)). However some entities are requiring some Bavarian themed lettering/graphics to be incorporated into the logo sign. The Commission and Board may wish to consider this option.
7. The number of code pages has been reduced from 38 to 14. Part of the reduction is eliminating styles of lettering examples, but including a note that such examples are available at City Hall (11.11 (A) (2)).

I request that the Planning Commission and Design Review Board review this proposed code, with additions/corrections as may be appropriate, and forward to the City Council for adoption.

Respectfully submitted,
Jim Kosel

SECTION 11

SIGNS

- 11.1 PURPOSE
- 11.2 DEFINITIONS
- 11.3 PERMIT REQUIRED
- 11.4 PERMIT APPLICATION
- 11.5 DESIGN REVIEW BOARD APPROVAL/DENIAL
- 11.6 VARIANCES
- 11.7 GENERAL LIMITATIONS
- 11.8 EXEMPT SIGNS
- 11.9 PROHIBITED SIGNS
- 11.10 RESIDENTIAL SIGN REGULATIONS
- 11.11 COMMERCIAL AND INDUSTRIAL SIGN REGULATIONS
- 11.12 NONCONFORMING SIGNS
- 11.13 DESIGN, CONTRUCTION AND MAINTENANCE
- 11.14 CONFLICT AND LIABILITY
- 11.15 ENFORCEMENT

11.1 PURPOSE.

- (A) The purpose of this Ordinance is to promote the use of signs which are functional and attractive in appearance, and enhance the aesthetic qualities of the City through a sign regulation and permit process. This process is intended to permit such signs that will not, by their size, location, design, construction or manner of display, endanger the public safety of individuals, obstruct vision necessary for traffic safety, or otherwise endanger the public health, safety or general welfare.
- (B) Signs of Bavarian Theme design, as provided for in this Ordinance within all areas of the City, will enhance the visual attractiveness of the City.

11.2 DEFINITIONS.

Words and phrases used in this Ordinance shall have the meanings set forth in this section. Words and phrases not defined in this section, but defined elsewhere in the Mt. Angel Development Codes, shall be given the meanings set forth in such Ordinance.

- (1) ABANDONED SIGN – Any sign that represents or displays any reference to a business or use that has been discontinued, does not have copy on the display surface for a period of six months or more, is in a state of disrepair, or poses an immediate danger to the public health or safety.
- (2) ALTERATION – Any change, excluding content, and including, but not limited to the size, shape, method of illumination, position, location, materials, construction, or supporting structure of a sign.

(3) AREA – The following principles shall control the computation of sign area:

(a) Individual sign: The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, decorative fence or wall.

(b) Multi-faced sign: The sign area for a sign with more than one face shall be computed by adding together the area of all the sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time and when such sign faces are part of the same sign structure and are not more than twenty-four (24) inches apart, the sign area shall be computed by the measurement of one of the faces.

(c) Murals: When a wall mural incorporates commercial wording, the sign area includes only the portion of the mural which contains the wording circumscribed as set forth in this definition.

(4) AWNING or CANOPY– A temporary or movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

(5) AWNING or CANOPY SIGN – Any sign that is part of an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area with the lowest portion of which is at least eight (8) feet above the underlying grade. Only the area occupied on the awning or canopy by lettering, symbol, or logo is to be counted within the area limits of the sign. A marquee is not an awning or canopy.

(6) BANNER – Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National, state, or municipal flags or the official flag of any institution or business shall not be considered banners.

(7) BULLETIN BOARD SIGN or READER BOARD – A sign of a permanent nature, but which accommodates changeable copy.

(8) BUILDING FRONTAGE – The portion of a building face most closely in alignment with any adjacent right-of-way or fronting a parking lot when so defined, as allowed in this Ordinance. A fuel service station may use the overhanging canopy

as a substitute for building frontage when computing the allowable sign area. The longest side of the canopy shall be used to compute the allowable sign area.

(9) BUSINESS FRONTAGE – A lineal front footage of a building or portion thereof devoted to a specific business or enterprise, and having an entrance/exit open to the general public.

(10) COMMUNITY SERVICE EVENT – An event created by or for charitable or cause related groups or organizations for the benefit of the public or its institutions.

(11) DAILY DISPLAY SIGN – A temporary on-premises sign normally associated with business activity, which is placed out-of-doors during business hours for display and returned indoors during off-hours. Signs may be constructed in a sandwich board (A-frame) style, mounted on a single pedestal (T-frame), or other similar construction, and are intended to be unlit and easily moved.

(12) DIRECTORY SIGN – A sign on which the names and locations of occupants/businesses are listed, or the use(s) of a building are listed on a building diagram.

(13) FLAG – Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as symbol of a government, political subdivision or other entity, not for commercial purposes.

(14) FLASHING SIGN – An illuminated sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use permit.

(15) FREESTANDING SIGN – A sign not attached to a building, but having its own permanent foundation and support.

(16) GROUND SIGN – A sign supported by poles, uprights or braces, visible or enclosed, which are placed in or upon the ground.

(17) ILLEGAL SIGN – Any sign that is in violation of the Mt. Angel Sign Ordinance.

(18) ILLUMINATED SIGN – A sign which is lighted by exterior light sources, or internal light sources through the message of the sign. Neon tube signs are considered internally illuminated signs.

(19) LOGO SIGN – A sign bearing characters, letters, symbols, or characteristic design which, through trademark status or consistent usage, has become the customary identification for a business.

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(20) MARQUEE – Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

(21) MONUMENT – A freestanding sign that is permanently affixed to the ground at its base, is supported entirely by a base structure, and is not mounted on a pole(s).

(22) MURALS – An artistic painting applied to and made integral with a wall surface. The primary purpose of a mural is to bring art into the public sphere, not to market products marketed within the structure.

(23) OFF-PREMISE SIGN – A sign which directs attention to or communicates information about a business establishment or any other enterprise that exists at a location other than the location of the sign.

(24) PENNANT – Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

(25) POLITICAL SIGN – A temporary sign advertising a candidate or candidates for public elective office, or a political party, or signs urging a particular vote on a public issue, decided by ballot in connection with local, state, or national election or referendum.

(26) PREMISES – A lot, or number of lots, on which are situated a building or group of buildings designed as a unit.

(27) PROJECTING SIGN – A sign affixed to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of such building or wall.

(28) ROOF SIGN – A sign erected and constructed wholly on and over the roof of a building, and supported by the roof structure.

(29) SIGN – Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

(30) TEMPORARY SIGN – A sign that is used only temporarily and is not permanently affixed.

(31) WALL SIGN – A sign attached parallel to, but within twelve (12) inches of a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure and which displays only one sign surface.

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11.3 PERMIT REQUIRED.

No sign governed by the provisions of this Ordinance shall be erected, altered or relocated by any person, firm or corporation without a permit issued by the City unless such sign is expressly exempted. Permits shall not be required for minor maintenance and repairs to existing signs.

11.4 PERMIT APPLICATION.

- (A) Application for a sign permit shall be made by the owner, tenant or their authorized agent, of the property on which the sign is/is to be located. Such application shall be made in writing on forms furnished by the City.
- (B) Only fully completed applications, accompanied by the non-refundable permit fee(s), shall be accepted by the City.
- (C) The application for a sign permit shall be accompanied by the following plans and other information:
 - (1) The name(s), address(s), and telephone number(s) of the owner or person owning (proposed) sign, owner of subject property, and sign contractor/erector.
 - (2) The location by street address of the (proposed) sign.
 - (3) A statement of valuation of the sign.
 - (4) A drawing shall be submitted along with the sign permit application. This drawing shall be on paper capable of being folded for storage in a nine (9) inch by fourteen (14) inch file, and shall become the property of the City. The drawing shall include the following:
 - (a) An accurately colored drawing, to scale appropriate for showing all detail of the sign, including all mounting structures and devices. The drawing shall also identify existing signs on the premises, the sign location, structural and mechanical design and engineering data, which ensure its structural stability. If a logo exemption is being requested, a copy of the logo (business card, letterhead, etc.) must be attached to the application.
 - (b) An accurately scaled drawing of all building faces to be signed, including the scaled outlines of all existing and proposed signs, in the case of wall and projecting signs.
 - (c) An accurately scaled site plan, showing the location(s) of building(s), street(s), and sign(s) in the case of freestanding signs.
 - (d) The name of the proposed lettering style along with a detailed illustration of the proposed style.
 - (e) For signs requiring a building permit from the County Building Inspector, a completed application to Marion County is required.
- (D) Temporary Signs for New Businesses – The City Administrator or designee can issue a permit for a temporary sign for new businesses for a period not to exceed seven (7) days. Temporary sign permits do not require Design Review Board approval.
- (E) The Design Review Board shall approve or deny each permit, except permits for temporary sign(s) (Section 11.5).

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- (F) The Planning Department shall keep a copy and record of each sign permit issued.
- (G) The permit fee is established by resolution of City Council.
- (H) Any permit issued under this Ordinance shall be void if no substantial physical action is taken, in accordance with any conditions of the permit and the applicable requirements of this Ordinance, within 180 days following the date of its issuance.
- (I) The City Administrator or designee shall, in writing, suspend or revoke a permit issued under provisions of this Ordinance whenever the permit is issued on the basis of incorrect information supplied, or in violation of applicable ordinance or regulation or any of the provisions of this Ordinance.

11.5 DESIGN REVIEW BOARD APPROVAL/DENIAL.

- (A) All sign permits, except permits for temporary signs, shall be reviewed by the Design Review Board, which shall consider the design, lettering, arrangement, size, texture, materials, colors, lighting, placement, and appropriateness of the proposed sign in relation to other signs and other structures on the premises and contiguous area in keeping with the intent of this Ordinance. Design Review Board modifications or denials may be appealed to the Planning Commission.
- (B) An applicant aggrieved by the decision of the Planning Commission may appeal to the City Council by giving written notice to the City Recorder no later than twelve (12) days following the denial or modification by the Planning Commission. The City Council shall hear the matter at its next regularly scheduled meeting. The Planning Commission shall furnish to the City Council its findings and conclusions with respect to the permit. The City Council may grant, approve with modifications, or deny the permit.
- (C) Changes in a Design Review Board approved sign size or design shall not be made without obtaining a new permit. Minor lettering or color changes and changes in the location of a previously approved sign may be approved by the City Administrator or designee without obtaining a new permit.

11.6 VARIANCES.

- (A) Applicants for a sign permit variance, or an applicant owning or leasing a sign that does not comply with the provisions of this Ordinance, may seek a variance to the provisions of this Ordinance by filing a sign permit application.
- (B) All variance requests shall be reviewed by the Design Review Board (Section 11.5)
- (C) Variance Criteria – The variance will not be granted unless the applicant can establish that:
 - (1) Special conditions exist which are peculiar to the land or building involved and are not applicable to other land or buildings in the same area, and;
 - (2) The strict interpretation of the provisions of the Ordinance would deprive the applicant of rights commonly enjoyed by other land or buildings in the same area, and;
 - (3) Granting the variance will not be materially detrimental to, or conflict with, the purposes of this Ordinance or be injurious to the use and enjoyment of other land or buildings in the same area, or otherwise detrimental to the public welfare, and;
 - (4) The request will be the minimum variance necessary to alleviate the special hardships or practical difficulties.
- (D) Any sign permit application for a variance issued under this Ordinance shall be void if no substantial physical action is taken, in accordance with any conditions of the application and the requirements of this Ordinance, within 180 days following the date of issuance.

11.7 GENERAL LIMITATIONS.

The requirements established in this section of the Ordinance shall apply and govern in all zoning districts except as specified in the Ordinances.

- (A) Sign Clearance – Freestanding and wall mounted signs shall be a minimum of eight (8) feet above grade for public walkways, and a minimum of fourteen (14) feet above grade for areas of truck access.
- (B) No private sign or its supporting structure shall interfere in any way with a traffic control sign or device, or prevent clear and unobstructed view of traffic control signs or devices or approaching or merging traffic. The sign/structure shall not block vision for either pedestrians or motorists at public and/or private roadways, intersections, driveways, or railroad crossings. The determination as to such sign interference with motorist and pedestrian safety shall rest with the City Administrator or designee.
- (C) Signs illuminated by exterior or internal light sources shall be lighted in such a manner that the glare from the light source is not visible to pedestrian or vehicle traffic and does not shine onto adjacent properties or structures. The lighting of the sign shall be an integral part of the design of the sign and shall be approved by the Design Review Board.
- (D) Mural signs – Mural signs are allowed subject to prior approval of the Design

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Review Board. Upon application, the Design Review Board may authorize such mural signs upon a finding that the design and placement contributes to the Bavarian Theme District, if applicable. The Design Review Board may also authorize specific placement of mural signs off-premises or in a manner, which exceeds the applicable size or height limits prescribed herein. The findings of the Design Review Board shall be based upon specific standards adopted by the Board and shall be submitted in writing to the City Administrator or designee who shall attach same to the application for sign permit.

11.8 EXEMPT SIGNS.

The following types of signs and devices are exempt from the permit requirements of this Ordinance, provided that any standards or conditions specified in this section are met, and the signs maintained, as determined by the City Administrator or designee:

- (A) Commemorative plaques not exceeding three (3) square in area.
- (B) Community Service Event signs, provided the signs are installed no more than fourteen (14) days prior to the start of said event and are removed within two (2) days after the end of the event, and that no sign shall exceed thirty-two (32) square feet in area. Signs to be erected over a public right-of-way do require a temporary sign permit, with all City related costs reimbursed to the City by the applicant.
- (C) Daily display signs – May be placed upon a public or private walkway subject to the following restrictions and requirements:
 - (1) Written permission must be obtained from the owner of the property in front of which the sign is to be placed.
 - (2) One daily display sign per business.
 - (3) Maximum sign area is ten (10) square feet per sign face, maximum sign width is thirty (30) inches, maximum sign height is forty-eight (48) inches, minimum sign height is thirty (30) inches.
 - (4) Signs will not be placed within a crosswalk or within fifteen (15) feet of an intersection. Signs will not cause a line of sight problem, must not block walkway for ADA access and will not interfere with parked vehicles.
 - (5) The daily display sign area shall not be included in the total allowable sign area permitted by this Ordinance for the premises in which the business is located.
 - (6) Continuous proof of liability insurance must be provided naming the City as additional insured in amount and policy provisions as approved by the City Administrator or designee.
- (D) Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole: the top of which is more than forty (40) feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one (1) or more of these conditions shall be considered a banner sign and subject to regulations as such.

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- (E) Garage or Rummage Sale signs will not exceed three (3) square feet in area per sign face. Signs in public rights-of-way must be self-supported by a stake or similar device and may not be attached to utility poles or traffic signs. The placement of signs will not create a hazard to the public by obstructing the view or passage of pedestrians, cyclists, or motorists. Signs cannot be displayed longer than three (3) days prior to the sale, and must be removed within twenty-four (24) hours after the sale.
- (F) Incidental signs, providing directions/information to the public, such as “Hospital”, “Information”, business hours, restroom signs, bank card signs, and shall not exceed two (2) square feet in area.
- (G) Political signs – subject to the following conditions:
 - (1) Area of individual signs will not exceed four (4) square feet per side, limited to two (2) sides per sign, maximum total area of all political signs per lot shall not exceed twelve (12) square feet.
 - (2) One sign per candidate/issue per lot, non-illuminated and nonmoving.
 - (3) No signs shall be on fences, trees, utility poles, or public right-of-way.
 - (4) Signs permitted only during the time period thirty (30) days prior to and five (5) days after election date.
- (H) Public body signs, non-commercial in nature, including, without limitation, public transit service signs, public utility information signs, traffic control signs, parking limitation signs and all signs erected by a public entity in the performance of a public duty.
- (I) Real estate signs – subject to the following conditions:
 - (1) Development: One non-illuminated, non-flashing sign not exceeding 50 square feet in area advertising the approved development on the premises on which the sign is located. The sign cannot be located within ten (10) feet of a property line(s).
 - (2) Non-residential Uses: One non-illuminated, non-flashing sign not exceeding thirty-two (32) square feet in area advertising only the prospective sale or rental of the premises or building on which the sign is located. The sign cannot be located within ten (10) feet of a property line(s), if available.
 - (3) Residential Uses: One non-illuminated, non-flashing sign not exceeding six (6) square feet in area advertising only the prospective sale or rental of the premises on which the sign is located. The sign cannot be within four (4) feet of a property line(s).
- (J) Signs carved into or which are part of materials which are an integral part of the building, not exceeding ten (10) square feet in area. This subsection does not include sign(s) painted on building side(s).
- (K) Signs required by law or legal action, including but not limited to, signs warning of hazardous or dangerous conditions on a premises and land use application and hearing notices signs.
- (L) Traffic control signs on private property, such as “stop”, “yield” and similar, the face of which meet Oregon Department of Transportation standards and which contain no commercial message.
- (M) Window signs and merchandise displays situated on the indoor side of a window or door.

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11.9 PROHIBITED SIGNS.

Unless specifically exempted in this Ordinance, it is unlawful to erect or maintain:

- (A) Banner signs, tethered pennants or balloons and inflatable signs.
- (B) Billboard signs.
- (C) Flashing signs – An illuminated sign any part of which pulsates or blinks on and off, except time and temperature signs or message signs allowed by conditional use permit.
- (D) Illuminated vending machines when placed outside and in view of the public right-of-way.
- (E) Portable signs, any movable sign except as otherwise permitted by this Ordinance.
- (F) Roof signs.
- (G) Rotating/revolving signs with moving parts, or moved by the wind.
- (H) Searchlights or beacons, except for temporary events such as grand openings, in which case a permit is required.
- (I) Signs that obstruct free ingress to or egress from any door, window or fire escape, alley, drive or fire lane, or is attached to a fire escape.
- (J) Trailer signs used as an advertising device for products, directing people to a nearby business or activity. This provision does not prohibit any form of vehicular sign when the vehicle is being used for its primary business purpose.

11.10 RESIDENTIAL SIGN REGULATIONS.

(A) Special Provisions:

- (1) No sign or portion thereof shall extend beyond any property line of the premises on which such sign is located.
- (2) Internally and externally illuminated signs shall not be permitted.

(B) Type of Signs permitted:

- (1) Neighborhood identification signs – One ground sign shall be permitted at each entry point to residential developments not exceeding an area of twelve (12) square feet per sign, maximum height not to exceed three (3) feet above grade.
- (2) Conditional uses – Those uses defined as conditional uses in residential zones, including home occupation signs, shall be permitted signage as determined by the Planning Commission as part of the conditional use permit approval, consistent with the requirements of this Ordinance. Said signs shall not use plastic as part of the exterior visual effect.
- (3) All signs must be compatible in design and color with the Bavarian Architectural Theme and with a style of lettering approved by the Design Review Board.

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11.11 COMMERCIAL AND INDUSTRIAL SIGN REGULATIONS.

(A) All signs permitted within the General Commercial (CG), Light Industrial Zone (IL), Public and Semi-Public Use Zones (PS), Downtown Core Zone Overlay District (DC), and the (with exceptions) Residential Commercial Zone (RC) shall conform to the following regulations unless regulated elsewhere in this Ordinance:

- (1) Signs must be compatible in design and color with the Bavarian Architectural Theme and with the building with which they are associated.
- (2) The following styles of lettering shall be required unless other lettering is approved by the Design Review Board: Gothic (Old English), Modern Chancery and Vivaldi Italic (True Type). (Copies of lettering styles available from City Hall.)
- (3) Logo signs for businesses with highway or arterial frontage may be exempted from Sub-sections (A) (1) and (2) of this section, based on such consideration as the length of time the logo has been in effect, the existence of business locations outside the City, the extent of recognition of the logo and its overall effect. (Section 11.2 Definition)
- (4) Directory signs (wall, projecting and freestanding) may be exempted from Sub-sections (A) (1) and (2) of this section, and shall incorporate consistent lettering style, size, shape, and design and shall not exceed six (6) square feet in area.
- (5) Drive-through menu signs may be freestanding or wall signs. The perimeter of the sign must be Bavarian Architectural Theme styled, with block lettering permitted for the menu portion of the sign.

(B) All signs shall conform with the following sign placement, sign area and number of signs, unless otherwise provided for in this Ordinance:

- (1) Awning or Canopy signs:
 - (a) Number – Maximum of two (2) signs for each business frontage in lieu of wall signs.
 - (b) Area – Shall not exceed the permitted aggregate sign area not taken by a wall sign.
 - (c) Placement – The lowest point of the awning/canopy shall be eight (8) feet above public walkway grade and fourteen (14) feet above grade for areas of truck access.
- (2) Freestanding signs:
 - (a) Number – One (1) sign for each street frontage of the premises. No freestanding sign shall be permitted on the same frontage when there is a projecting sign identifying the premises.
 - (b) Area – Surface display area shall not exceed fifty (50) square feet per sign face.
 - (c) Placement – Signs shall be placed a minimum of ten (10) feet from front and side property lines, and in the close proximity of required vehicle ingress/egress, and shall not project over public right-of-way.

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- (d) Height- No freestanding sign shall exceed twenty (20) feet above grade.
- (3) Ground signs:
 - (a) Number - One (1) sign, in lieu of a wall sign, shall be permitted for each lot with street frontage in excess of fifty (50) lineal feet. Corner lots count as one (1) street frontage.
 - (b) Area – Signs shall not exceed an area of one (1) square foot for each two (2) lineal feet of street frontage, with a maximum area of fifty (50) square feet per sign.
 - (c) Placement – Signs shall be placed so that no sign or portion thereof shall extend beyond the property line of the premises on which such sign is located. Signs on corner properties shall also comply with the vision clearance provisions of this Ordinance.
 - (d) Height – No ground sign shall exceed five (5) feet above grade.
- (4) Marquee signs:
 - (a) Signs may be painted on marquee(s) in lieu of wall signs provided the area of the marquee signs does not exceed the permitted aggregate sign area not taken up by the wall signs.
 - (b) The lowest point of the marquee shall be eight (8) feet above grade for public walkways and fourteen (14) feet above grade for areas of truck access.
- (5) Projecting signs:
 - (a) Number – One (1) sign per each main entry.
 - (b) Area – Sign area shall not exceed twelve (12) square feet per sign face. Total area of all faces shall not exceed twenty-four (24) square feet.
 - (c) Placement- Maximum projection from building, including supportive iron work, shall be four (4) feet. No sign shall project within two (2) feet of curb line.
 - (d) Height – Sign shall not extend above the roofline, eave or parapet wall of the building to which the sign is attached.
 - (e) Projecting signs on the same plane shall be separated appropriate distance so that one sign does not blanket another sign.
- (6) Service Club signs display the recognized shield, logo or symbol of an international service club, which has an established chapter in Mt. Angel, has regularly scheduled meetings, but does not own or lease premises within the City. Each sign shall not exceed ten (10) square feet in area. Service Club signs require a sign permit and shall be displayed only at a single location, which has been approved by the City Administrator or designee.
- (7) Wall signs:
 - (a) Number – One (1) sign per building frontage, or one (1) sign for individual businesses with separate entrance(s).
 - (b) Area – Total sign area shall not exceed one (1) square foot of sign area per one lineal foot of legal business frontage. Maximum area shall not exceed sixty (60) square feet.

- (c) Projection – Signs shall not project more than twelve (12) inches from the face of the building to which the signs are attached, provided the lowest point of the sign is not less than eight (8) feet above grade.
- (d) Building names, not exceeding ten (10) square feet in area, subject to Design Review Board review, shall not be included in the allowable sign area.

11.12 NONCONFORMING SIGNS.

- (A) Signs lawfully erected and maintained as of the date of the adoption of this Ordinance, but which do not meet the requirements of this Ordinance, shall be regarded as nonconforming signs.
- (B) Signs lawfully erected and maintained on premises annexed into the City after the date of the adoption of this Ordinance, but which do not meet the requirements of this Ordinance, shall be regarded as nonconforming signs.
- (C) Nonconforming signs as identified in Subsections 11.12(A) and 11.12(B) shall be permitted provided they are maintained in good repair, but must be brought into compliance any time the basic design, size, color, or structure of the sign is altered, the sign is damaged or relocated.

11.13 DESIGN, CONSTRUCTION AND MAINTENANCE.

- (A) All signs shall be designed to comply with the requirements of applicable building, electrical and mechanical codes.
- (B) All signs shall be constructed to comply with the requirements of applicable building, electrical and mechanical codes.
- (C) All signs must be kept in good repair and in a safe manner at all times. The property owner must repair damaged or deteriorated signs within thirty (30) days of City notification. Signs not repaired within thirty (30) days shall be considered abandoned signs. The area surrounding freestanding signs must be kept free of litter and debris at all times.

11.14 CONFLICT AND LIABILITY.

- (A) Conflict: If any section of this Ordinance is found to be in conflict with any section of any zoning, building, fire, safety or health ordinance of the City, the section which establishes the higher standard shall prevail.
- (B) Liability: This Ordinance shall not be construed to relieve from or lessen the responsibility of any person owning, building, altering, constructing, or removing any sign for damages to anyone injured or damaged either in person or property by defect or action therein, nor shall the City, or any agent thereof, be held as assuming such liability by reason of permit or inspection authorized herein or a certificate of inspection issued by the City or any of its agents.

11.15 ENFORCEMENT.

- (A) Any violation of this Ordinance shall be subject to enforcement remedies and penalties.
- (B) Each sign installed, erected or maintained in violation of this Ordinance shall be considered a separate violation, and each such day of continued violation shall be considered a separate violation when applying penalties.
- (C) Any abandoned sign that poses an immediate danger to the public health or safety shall be removed by the City and the cost of removal shall be paid by the owner of the sign, and shall be a lien on the real estate from which the abandoned sign was removed.

(06-01-2010)