

ORDINANCE No. 3810

AN ORDINANCE AMENDING ORDINANCE NO. 2775 (THE SIGN ORDINANCE) RELATING TO SIGNS WITHIN PUBLIC RIGHTS OF WAY

Whereas, the City of Pendleton Sign Ordinance (No. 2775) prohibits placement of signage within the public right-of-way, and;

Whereas, the City has inconsistently enforced this prohibition, leading to confusion for both City staff and the public, and;

Whereas, the City of Pendleton recognizes that signs within the public right-of-way can serve business interests without significant negative impacts to pedestrians and the traveling;

Now, Therefore, The City of Pendleton Ordains as Follows:

Section 1: Ordinance No. 2775, Section 17 is added as follows:

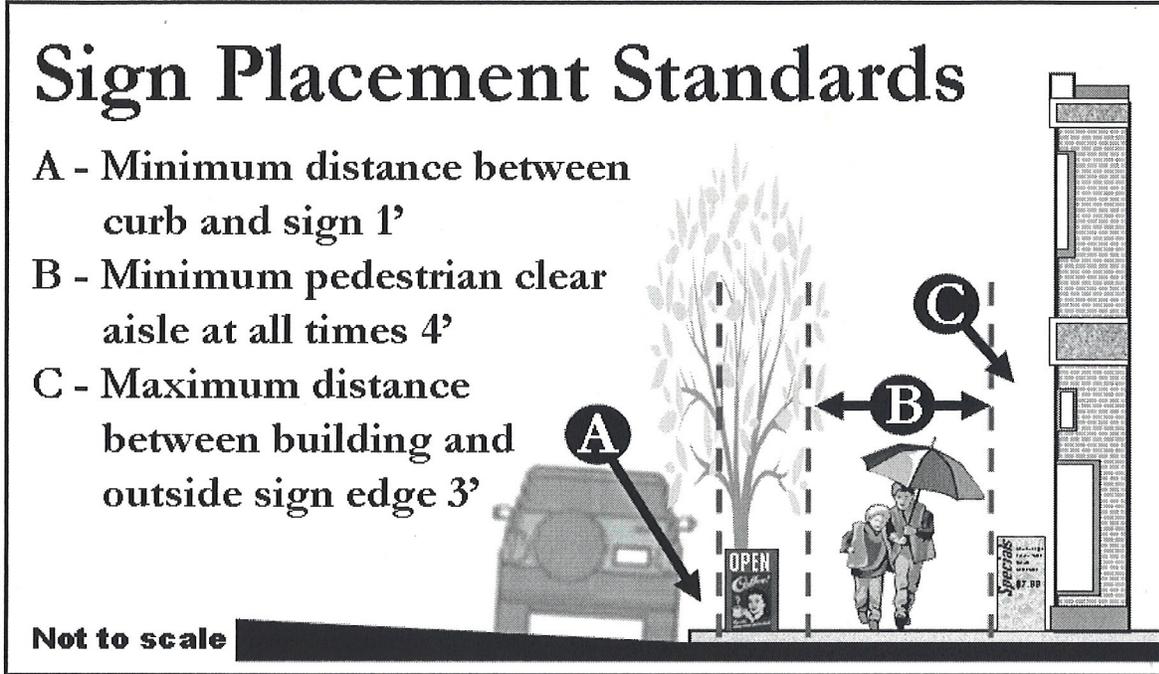
SECTION 17. SIGNS WITHIN THE PUBLIC RIGHTS OF WAY.

Portable signs may be placed in the public right of way within the C-1 Central Commercial zone as follows, subject to the requirements of the River Quarter Plan, where it applies..

- a) Signs shall be at least one foot from the curb and shall be placed to maintain a minimum four foot clear aisle for pedestrian passage. This passage shall be at least three feet from the face of the building.
- b) The area of a sign shall not count towards the total sign area permitted based on the Linear Frontage Ratio.
- c) Signs shall be located within an area bounded by the limits of the building under the sign owner's control, extended to the curb..
- d) Signs shall not interfere with access to building entrances, fire hydrants, street benches, trash receptacles, transit stops, or other street furniture.
- e) Signs shall not contain sharp edges or protrusions which would present a hazard to pedestrians, bicyclists, the disabled, or any other user.
- f) The owner or occupier of land adjoining any sidewalk upon which a sign is located pursuant to this section shall be liable for any and all damages to any person, property or legal entity resulting from the condition or placement of any sign located pursuant to this section
- g) The owner or occupier of land adjoining any sidewalk upon which a sign is located pursuant to this section shall defend, save harmless, and indemnify the City of Pendleton, any of its officers, employees, and agents, whether elective or appointive, against any claim or demand, whether groundless or otherwise, arising out of any injury to a person, property or legal entity resulting from the condition or placement of any sign located pursuant to this section. .
- h) If the City, any of its officers, employees, and agents are required to defend, save harmless, indemnify or to pay damages for any damage to a person or legal entity resulting, arising from the condition or placement of any sign located pursuant to this section, the City, any of its officers, employees, and agents may at their discretion maintain civil proceedings in the courts of this State for damages including the actual costs, court costs, and reasonable attorney fees at all court proceedings.
- i) No action shall be maintained against the City of Pendleton, its officers, employees, and agents, whether elected or appointive, by any person or legal entity for damages to their property or person

arising out of any injury to a person or legal entity resulting from the condition or placement of any sign located pursuant to this section.

- j) Any property owner or business that is warned more than twice in a 12 month period to remove signs that don't comply with this Ordinance will have the right to place signs in the right of way revoked for the following 12 months.



PASSED by the City Council and approved by the Mayor on April 5, 2011.

APPROVED: *Phyllis W. Hawk*
Mayor

ATTEST: *A. J. Wenton*
City Recorder

Approved as to Form:

Peter H. Wells
Peter H. Wells, City Attorney

