

ORDINANCE No. 3896

AN ORDINANCE REGULATING THE ERECTION, QUALITY OF MATERIALS, CONSTRUCTION, NUMBER, LOCATION, ELECTRIFICATION, AND MAINTENANCE OF SIGNS AND SIGN STRUCTURES; ESTABLISHING CONFORMANCE PERIOD; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; REPEALING SECTION 7 OF ORDINANCE NO. 2165, SECTION 86 OF ORDINANCE NO. 2675, ORDINANCE NO. 2510, AND ALL PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

(Original Ordinance #2775 as amended by Ordinances No. 2849, 3025, 3088, 3154, 3156, 3221, 3232, 3384, 3411, 3420, 3426, 3435, 3458, 3467, 3540, 3558, 3566, 3588, 3603, 3691, 3703, 3747, 3896.)

CITY OF PENDLETON ORDAINS AS FOLLOWS:

ARTICLE 1 -- TITLE AND PURPOSE

SECTION 1.01. TITLE. This Ordinance is known as the "Sign Code," may be cited as such, and referred to herein as "this code," and the maps herein referred to are known as:

A. Map 1 -- Zoning Map of the City of Pendleton, Oregon.

B. Map 2 -- Sign District Map of the City of Pendleton, Oregon.

Said maps and all explanatory matter thereon are hereby adopted and made a part of this Ordinance.

SECTION 1.02. PURPOSE. The Council of the City of Pendleton, Oregon, hereby finds that:

- A. Signs have an obvious impact on the character and quality of the environment.
- B. As a prominent part of the scenery signs may attract or repel the viewing public, potentially affect the safety of vehicular traffic, and their suitability or appropriateness helps to set the tone of neighborhood and the City as a whole.
- C. Signs which are properly designed and appropriate to their surroundings have a legitimate place in our environment.
- D. Signs guide the traveler and residents on their way, remind them of rules and safety, and identify business and give information as to the products and services available.
- E. It is necessary to regulate the erection, maintenance, illumination, type, size, number and location of signs in order to:
 - (1) Protect the health, safety, property and welfare of the public;
 - (2) Maintain the neat, clean, orderly and attractive appearance of the City;
 - (3) Provide for the safe erection and maintenance of signs;
 - (4) Eliminate signs that demand, rather than invite public attention;
 - (5) Provide equity and equality in displaying signs in consonance with their zoning and District location;
 - (6) Preserve and enhance the unique scenic beauty and the business, recreational, educational, tourist and retirement potential of the City and the surrounding area.

(Section 1.02, as amended by Ordinance No. 3025, passed July 3, 1979.)

ARTICLE 2 -- GENERAL PROVISIONS

SECTION 2.01. SIGNS PERMITTED PER ELIGIBLE PROPERTY. Each eligible property must be allowed a single Ground, Projecting, Freestanding, Wall or Sloping Roof sign based on its applicable Sign District. Each eligible property may allocate its remaining sign allowance within each applicable category as it sees fit, provided the maximum sign area per category is not exceeded.

Each business must be allowed signage as provided in Section 4.03, fronting a parking area or improved public right-of-way, or on a side whose one-way traffic flow would not allow visual contact with the parking area or improved public right-of-way.

Each business may be allowed those applicable Exempt Signs set forth in this Ordinance.

Any business which is located on two or more properties which are not contiguous to each other, or separated by a public right-of-way (roadway and/or railroad) must be considered as a separate business and be permitted the appropriate signage applicable.

(Section 2.01, as amended by Ordinance No. 2849, passed October 26, 1976; and Ordinance No. 3025, passed July 3, 1979.)

SECTION 2.02. DETERMINATION OF ALLOWABLE SIGNS AND THEIR LIMITATIONS.

In classifying any sign and determining applicable regulations, the use of the following procedure is suggested:

STEP 1. Determine whether sign is premise or conditional. (See Tables I and II herein.)

STEP 2. Determine the location of the building (where the sign is to be located) on Map 1 and Map 2 and establish the Zone [Map 1] and the District [Map 2 and Section 4.01 of this Ordinance] designation of the sign's location.

- STEP 3. Determine the category of sign desired (Wall, Projecting, Ground, Freestanding, or Sloping roof) from Table I herein.
- STEP 4. Consult the appropriate Table I or Table II herein, as determined in Step 1, and find the column specifying that category of sign determined in Step 2.
- STEP 5. Determine more specifically the square footage of signage based upon category of sign (For example: a projecting sign containing a static sign, a separate reader board section with animated logo).
- STEP 6. Establish the permissibility (outright, conditional, exempt, or prohibited) of the sign desired by reading across to the left horizontally from the type of sign determined in Step 4.
- STEP 7. Locate category desired within the Article specified by Step 5 and establish the limitations imposed on the sign and whether or not a permit or Bond from the City is required:
- (a) If sign type desired is permitted outright, proceed to Step 8.
- (b) If sign type desired is permitted either conditionally, exempt or prohibited, all limitations as to size, height, etc. are specified. Obtain Building Department permits as necessary, prior to erection of the sign.
- STEP 8. Consult Table III herein and find the appropriate horizontal column which contains the Zone and District determined in Step 2.
- STEP 9. Take the sign category determined in Step 3 and using only the horizontal column established in Step 8 enter the sign requirement portion of the table under type and match the desired sign with that noted.
- STEP 10. Determine the Sign Face Area allowable by reading horizontally to the right. Freestanding and ground signs have a specified maximum area allowed. NOTE: The area allowed can be increased by fifty (50%) percent by providing live landscaping at the base (see Table III herein, annotation 2 for specifics). Projecting, wall and facelift have a maximum area which must be calculated in accordance with the appropriate annotation described below Table III herein.
- STEP 11. Contact the Building Department to obtain necessary permits, prior to erection of the sign.
(Section 2.02, as amended by Ordinance No. 3025, passed July 3, 1979.)

TABLE I: PREMISE CLASSIFICATION

CATEGORIZATION:	WALL	PROJECTING	GROUND	FREE-STANDING	ROOF
EXEMPT (See Article 3 for all limitations)	Address/Bus Directory City Forums Hist Marker Minor No Dumping No Trespass PUD Reg/Warning Seas/Holi Temporary Limited Public Forums				
OUTRIGHT (See Article 4 for all limitations)	Cut-Out Facelift Logo Multiple Painted Pub. Serv. Reader Board Temporary	Awning Canopy Cut-Out Facelift Logo Multiple Painted Pub. Serv. Reader Board Temporary V-Sign	Cut-Out Facelift Logo Multiple Painted Pub. Serv. Reader Board Temporary	Cut-Out Facelift Logo Multiple Painted Pub. Serv. Reader Board Temporary	None

*Street Furniture CONDITIONAL (See Article 5 for all limitations)	Animated Area ID - (Com/Ind) Billboard	Animated Area ID - (Com/Ind)	Animated Area ID - (Com/Ind)	Animated Area ID - (Com/Ind)	Area ID - (Com/Ind) Cut-Out Logo
	Mural	Marquee Moving	Moving	Moving	Moving
	Neigh. Comm.	Neigh. Comm.	Neigh. Comm.	Neigh. Comm.	Multiple Neigh. Comm. Painted Reader Board Sign Tower Sloping Roof
		Sign Tower		Sign Tower	
*Street Furniture Containing Signage					
PROHIBITED (See Article 6 for all limitations)	Abandoned Attn Device Flashing Illegal Portable Swinging				

TABLE II: OUTDOOR ADVERTISING CLASSIFICATION					
CATEGORIZATION:	WALL	PROJECTING	GROUND	FREE-STANDING	ROOF
EXEMPT	Temporary	Temporary	Temporary	Temporary	None
OUTRIGHT	None	None	None	None	None
* CONDITIONAL (See Article 5 for all Limitations)	Billboard Temporary	Temporary	Temporary	Billboard Temporary	Temporary
* Street Furniture Containing Signage					

SECTION 2.03. SIGN ILLUMINATION.

All signs may be either illuminated or painted (or plain) or non-illuminated.
(Section 2.03, as amended by Ordinance No. 3025, passed July 3, 1979.)

SECTION 2.04. OPERATIONS NOT CREATING A SIGN. The following operations are not considered as creating a sign.

- A. Copy changes on any sign or changing of the advertising Copy on a Marquee or reader board sign, or message of equal size on an existing approved painted or printed sign, or a similar approved sign whether electrical, illuminated, electronic changing message center or non-illuminated painted message which are all specifically designed for the use of replaceable Copy and not in violation of Section 8.03 of this Ordinance.
- B. Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes.
- C. Replacement of a conforming sign provided that it is due to a change caused by breakage and/or deterioration of the Sign Face Area not involving the modification or alteration of the structural supports.

- D. Changes in the content of show window displays and permitted Temporary Signs.
 - E. (This was eliminated in 2000 when all non-conforming signs were required to be removed.)
- (Section 2.04, as amended by Ordinance No. 2849, passed October 26, 1976; and Ordinance No. 3025, passed July 3, 1979.)

SECTION 2.05. SIGNS NOT REGULATED. Interior signs and Display Window Signs, unless visible from a public right-of-way. If visible from a public right-of-way, these signs are subject to the provisions of Section 2.06 A, C, D, H, I and J of this Ordinance.

(Section 2.05, as amended by Ordinance No. 3025, passed July 3, 1979.)

SECTION 2.06. SIGN CONSTRUCTION, ERECTION AND MAINTENANCE RESTRICTIONS. No sign shall be constructed, erected or maintained which:

- A. Bears or contains statements, words or pictures that depict obscene, pornographic character, incitement to illegal action, or which contain slanderous or libel statements.
- B. Emits audible sound, odor, or visible matter.
- C. Purports to be, or is an imitation of, or resembles an official traffic sign or signal, or which bears the words "Stop," "Go Slow," "Caution," "Danger," "Warning," or similar words.
- D. By reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.
- E. Is painted on, attached to, or placed on any curb, sidewalk, post, pole, illuminated, hydrant, bridge, tree or other surface or over or across any street or public thoroughfare except as may otherwise expressly be authorized by this Code.
- F. Has been attached or located on a parked vehicle or trailer on a public right-of-way for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same property or nearby property or any other premises as a means of avoiding a sign permit. However, this is not intended to prohibit any form of vehicle signing such as a sign attached to a bus or lettered on a motor vehicle that is in motion.
- G. Has visible angle iron frames or guy wires to support any authorized sign, except to support a projecting sign attached to any building constructed before January 1, 1970, unless otherwise specified within this Code.
- H. Bears illuminated messages or backgrounds which directly interferes with, confuses, or misleads a vehicle operator.
- I. Is prohibited by State of Oregon statutes.
- J. Is an illegal sign.
- K. Interferes with overhead electrical conductors or electrical power equipment as determined by power company(ies) of the City.
- L. Will interfere in any way with the free use of any fire escape, exit or standpipe.
- M. Will obstruct any openings required by the City of Pendleton adopted building codes. Signs must be constructed to meet building codes adopted by the City.

(Section 2.06, as amended by Ordinance No. 2849, passed October 26, 1976; and Ordinance No. 3025, passed July 3, 1979.)

ARTICLE 3 -- EXEMPT SIGNS

SECTION 3.01. GENERAL. Exempt signs do not require the issuance of a sign permit, but must be in conformance with all other requirements of this section and the provisions of this Ordinance, and related building, structural and electrical laws, regulations of the City and the State. For all subsections within this article where area is designated, the area specified must be the Sign Face Area.

(Section 3.01, as amended by Ordinance No. 3025, passed July 3, 1979.)

SECTION 3.02. SIGNS EXEMPT AND LIMITATIONS.

- A. Address Numbers/ Business Directory -- provided they meet the requirements for addresses established by the City Fire Department. See definition under Section 16.01 of this Ordinance.
- B. City Forums -- signs placed by the City of Pendleton within traditional public forums, limited public forums, and non-public forums for purposes strictly limited to City business. There is no square footage restriction; however, signage must comply with adopted building codes.
- C. Historical Marker -- See definition under Section 16.01 of this Ordinance.
- D. Limited Public Forums -- Signs exclusively for the use of the public forum, limited to the property of the public forum but not permitted with rights-of-way, and not to exceed eight (8) square feet per sign. Signs may not be grouped together to exceed eight (8) square feet to receive the exempt status and must exhibit at least six (6) feet of open space between the signs.
- E. Minor Signs
 - 1. Each building belonging to a single business must be entitled to:
 - a. one (1) square foot per one hundred (100) square feet of the building's ground floor area, but must not exceed one hundred (100) square feet per building, or
 - b. a minimum of at least twelve (12) square feet
 - 2. Each individual business within a building housing more than one business must be entitled to:

- a. one (1) square foot per one hundred (100) square feet of each business's ground floor area, but must not exceed one hundred (100) square feet per business, or
- b. a minimum of at least twelve (12) square feet,
- 3. No sign to exceed 4 square feet in area and four (4') feet in height if a ground sign or located at least eight (8') feet above the sidewalk level.
- F. "No Trespassing" or "No Dumping" Signs -- Not to exceed one and one-half (1 1/2) square feet in area per sign, and not exceeding four (4) in number per lot, except that special permission may be obtained from the Commission for additional signs under proven special circumstances.
- G. Regulatory/Warning Signs -- See definition under Section 16.01 of this Ordinance.
- H. Seasonal or Holiday Signs -- May be of any type, number, area, height, illumination or animation; except that they must be maintained at a minimum height of sixteen (16') feet when located over public streets and removed within thirty (30) days of holiday for which the sign(s) applies.
- I. Temporary Signs -- Must be posted not more than fourteen (14) days before an event and removed no more than ten (10) days after an event.
 - 1. Sign erections of ten (10) or more must be registered with the City as to their location.
 - 2. A deposit of a \$150.00 Bond, which must be refunded upon the removal of said signs; however, if the City has to remove said sign(s), the Bond must not be refunded.
 - 3. Only one (1) sign per lot or parcel provided such sign is located entirely within the property and is not directly illuminated.
 - 4. No sign must be located within or over the public right-of-way.

If the sign is of cloth material. Every cloth sign must be supported and attached with at least two (2) wires or poly ropes of 3/8 inch diameter minimum. No strings, fiber ropes, or wood slats must be permitted for support or anchorage purposes. Cloth signs and panels must be perforated over at least ten (10%) percent of their area to reduce wind resistance. Cloth signs may extend across a public street only after issuance of a Banner Permit from the agency with jurisdiction over the street.

(Section 3.02, as amended by Ordinance No. 2849, passed October 26, 1976; Ordinance No. 3025, passed July 3, 1979; Ordinance No. 3154, passed January 6, 1981; Ordinance No. 3221, passed April 4, 1982; Ordinance No. 3540, passed February 6, 1996; and Ordinance No. 3641, passed May 15, 2001.)

ARTICLE 4 -- PERMITTED SIGNS

SECTION 4.01. SIGN DESIGN VARIABLES. All permitted premise signs are subject to location identification of the sign by its District designation and zoning within the Sign Design Table. A sign can only achieve a District B or C locational classification if the property on which the sign is to be located is adjacent to the public right-of-way of that District designation (See Map 2 attached). These two identified variables must be applied in the sign design table to determine the Sign's Face Area. Any area limitation set forth is for one sign face only.

(Section 4.01, as amended by Ordinance No. 3025, passed July 3, 1979.)

SECTION 4.02. PERMIT AND FEE. All permitted signs require the issuance of a permit and a payment of a fee thereof once compliance will ALL provisions and requirements of this Ordinance have been met. (See Sections 14.02 and 14.03 of this Ordinance.)

(Section 4.02, as amended by Ordinance No. 3025, passed July 3, 1979.)

SECTION 4.03. SIGNS ALLOWED OUTRIGHT. The following sign types and limitations are permitted outright within designated Commercial and Industrial Zones:

- A. Awning or Canopy. See definition under Section 16.01 of this Ordinance.
- B. Facelift Sign. See definition under Section 16.01 of this Ordinance.
- C. Free-standing (Pole or Pylon) Sign. Must be erected only when the building is set back at least twenty (20') feet from the front property line or set back at least five (5') feet from the property line and is restricted from vehicular traffic view. The height must not be less than eight (8') feet from the ground or sidewalk surface, whichever exists, measured from the bottom of the sign. Sign height must not exceed twenty (20') feet in Central Mixed Use Zone (C-MU). Sign height must not exceed thirty-five (35') feet in Tourist Commercial Zone (C-2), Service Commercial Zone (C-3), Light Industrial (M-1) and Heavy Industrial (M-2) Zones. However, no sign must be permitted to project more than five (5') feet over the public right-of-way, nor any closer than three (3') feet to the Curb Line. A free-standing sign must be located so as not to obstruct the view of a sign on adjoining property(s) and/or the same property when viewed from a vehicular distance of two hundred (200') feet.
- D. Ground Sign. Must be erected only on private property and must not exceed ten (10') feet in height measured from the ground to the top of the sign, nor more than three (3') feet from the ground to the bottom of the sign. A Ground Sign must be so located as to not obstruct the view of a sign on adjoining property(s) and/or the same property when viewed from a vehicular distance of two hundred (200') feet.

- E. Multiple Sign. Shall be permitted in lieu of individual signs. The Sign Face Area must not exceed the area of the individual signs in accordance with Section 4.04 of this Ordinance, for which it is being substituted.
- F. Projecting Sign.
- (1) Projecting Signs must not exceed a projection equal to three (3") inches for each linear foot of Business Frontage from the sign's location to the nearest corner of the building or business' frontage, whichever is smaller, upon which it is located (except as indicated in subsections (a) and (b) below). However, no sign must be permitted to project more than six (6') feet over the public right-of-way nor any closer than three (3') feet to the curb line.
- The height must not be
- i. Less than eight (8') feet from the ground or sidewalk surface, whichever exists, measured to the bottom of the sign,
 - ii. And not exceed twenty (20') feet in Central Mixed Use Zone (C-MU); thirty-five (35') feet in Tourist Commercial Zone (C-2), Service Commercial Zone (C-3), Light Industrial Zone (M-1) and Heavy Industrial (M-2) Zones,
 - iii. Or to the roof line/parapet, whichever is less, measured to the top of the sign.
- (a) Joint Projecting Signs. A maximum of three (3) adjacent businesses within the same story of a building, (whether under one or more ownership) may combine their Business Frontage to achieve a greater Projecting Sign than that allowed for a single business provided that each of the businesses is identified on the sign and a recorded, written agreement with the City, the property owner(s) and the business(es), as to the joint utilization has been executed. Those businesses exercising a joint projecting sign must be allowed one wall sign on their individual Business Frontage (limitations as provided in this code). Joint projecting signs must not be corner-mounted.
- (b) Corner-Mounted Projecting Signs are allowed the same projection as signs mounted in the center of the building face and limited to the angle established in 16.01.
- G. Sloping Roof Sign. Must be erected so as not to project beyond the roof ends or roof line, nor exceed the permitted wall Sign Face Area in accordance with Section 4.04 of this Ordinance upon which wall or roof side it is mounted.
- H. Temporary Signs. Other than those exempt, must not exceed the allowable sign design limits for the category of sign utilized nor exceed two (2) per business and for a period of not more than thirty (30) days. Temporary signs of the prohibited type are not permitted on a temporary basis.
- I. Wall Sign. Must not exceed the ends of the Front Face; the top (Roof Line or parapet) of the face upon which it is erected, or twenty (20') feet to the top of the sign, whichever is less.
- J. A "V"- Sign. Must not exceed the projection as determined for a projecting sign nor exceed the Sign Face area and location limitations permitted for a Wall Sign. Each Sign Face must be included in calculating the Sign Face area of a V-sign.
- (Section 4.03, as amended by Ordinance No. 2849, passed October 26, 1976; Ordinance No. 3025, passed July 3, 1979; Ordinance No. 3154, passed January 6, 1981; Ordinance No. 3426, passed February 7, 1989; Ordinance No. 3588, passed August 4, 1998, Ordinance No. 3691, passed November 18, 2003.)

SECTION 4.04. SIGN DESIGN TABLES.

Sign Requirement Table: Table III.

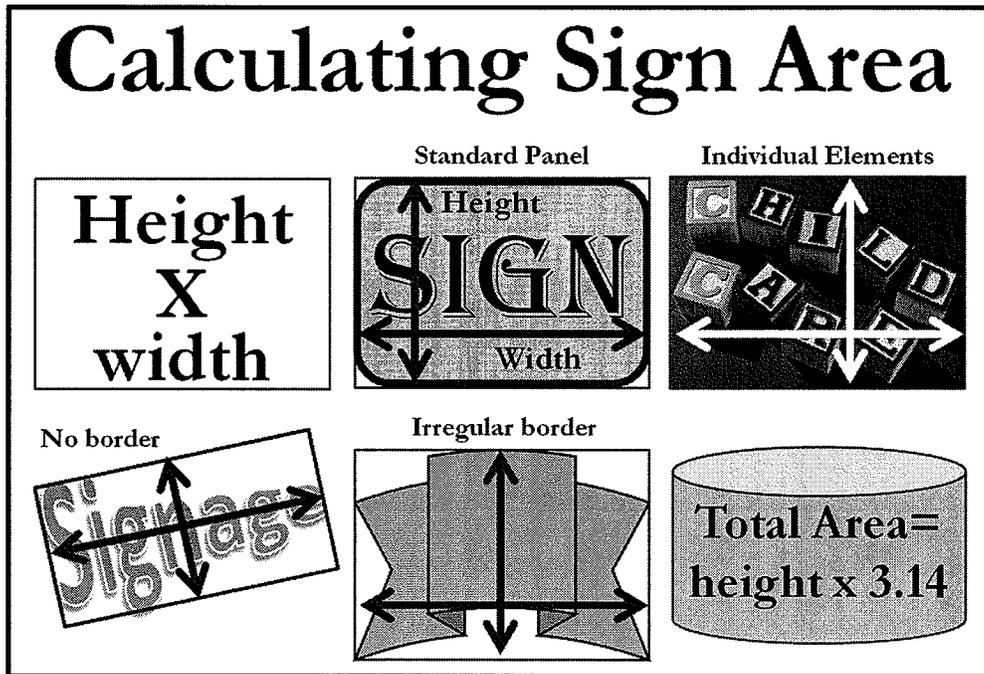
Sign Requirements (1), (6)				
Zone (map 1)	District (map 2)	Type	Notes	(1) The sign requirements set forth are for the respective type of signs.
C-MU	A	Freestanding	32sf	(2) For each five (5) square feet of landscaping* installed at the base of the sign (entirely within private property), two (2) square feet of additional face area shall be permitted up to a maximum of additional fifty (50%) percent of Sign Face Area. A sign owner/user may choose to transfer twenty-five (25%) percent of the allowable incidental sign area to only one sign. In such a case, landscaping shall not be employed to further increase the allowed sign face area. (*The installation of live vegetation for beautification.)
C-2		Ground	32sf	
C-3		Projecting	(3)	
M-1		Other*	(4)	
M-2		Facelift	(5)	
C-MU	B	Freestanding	64sf	(3) The allowable sign face is as set forth in Section 4.03F of this Ordinance.
C-2		Ground	64sf	
C-3		Projecting	(3)	
M-1		Other*	(4)	
M-2		Facelift	(5)	
C-MU	C	Freestanding	128sf	(4) Two (2) square feet per each linear foot of business frontage upon which the sign is to be erected.
C-2		Ground	128sf	
C-3		Projecting	(3)	
M-1		Other*	(4)	
M-2		Facelift	(5)	
*Awning, Canopy, Sloping, Roof, "V" and Wall Signs				(5) Twice the allowable wall face area.
				(6) When a business erects signage with a face area less than that allowable, the excess square footage may be added to the incidental sign area allowed for said business.

Please note the minimum building setbacks in Section 4.03 if a Ground or Freestanding sign is proposed.

(Section 4.04, as amended by Ordinance No. 2849, passed October 26, 1976; Ordinance No. 3025, passed July 3, 1979; and Ordinance No. 3588, passed August 4, 1998.)

4.05. CALCULATING SIGN AREA

Sign area must be measured within lines drawn between the outermost dimensions of the frame or cabinet surrounding the display area containing the sign Copy. When signs are not framed or on a base material and are inscribed, painted, printed, projected or otherwise placed upon, or attached to a building, canopy, awning or part thereof, the sign area is the smallest possible space enclosing the sign Copy that can be constructed with straight lines. Where a sign is of a three-dimensional, round, or irregular shape, the largest cross-section must be used in a flat projection for the purpose of determining sign area.



4.06. SIGNS WITHIN THE PUBLIC RIGHT-OF-WAY.

Portable Signs may be placed in the public right-of-way within the Central Mixed Use zone as follows, subject to the requirements of the River Quarter Plan, where applicable.

- A. Signs may only be placed in front of a property supporting a business with a current City of Pendleton Business License.
- B. Signs must be at least one (1') foot from the curb and must be placed to maintain a minimum four (4') foot clear aisle for pedestrian passage. This passage must be at least three (3') feet from the face of the building.
- C. The area of a sign must not count towards the total sign area permitted based on the Linear Frontage Ratio.
- D. Signs must be located within an area bounded by the limits of the building under the sign owner's control, extended to the curb.
- E. Signs must not interfere with access to building entrances, fire hydrants, street benches, trash receptacles, transit stops, or any other street furniture.
- F. Signs must not contain any sharp edges or protrusions which would present a hazard to pedestrians, bicyclists, the disabled, or any other user.
- G. The owner or occupier of land adjoining any sidewalk upon which a sign is located pursuant to this Section is 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.
- H. The owner or occupier of land adjoining any sidewalk upon which a portable sign is located, pursuant to this Section, will defend, hold harmless, and indemnify the City of Pendleton, any of its officers, employees, and agents, whether elected or appointed, 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 portable sign located pursuant to this Section.
- I. 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 from the condition of, 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.

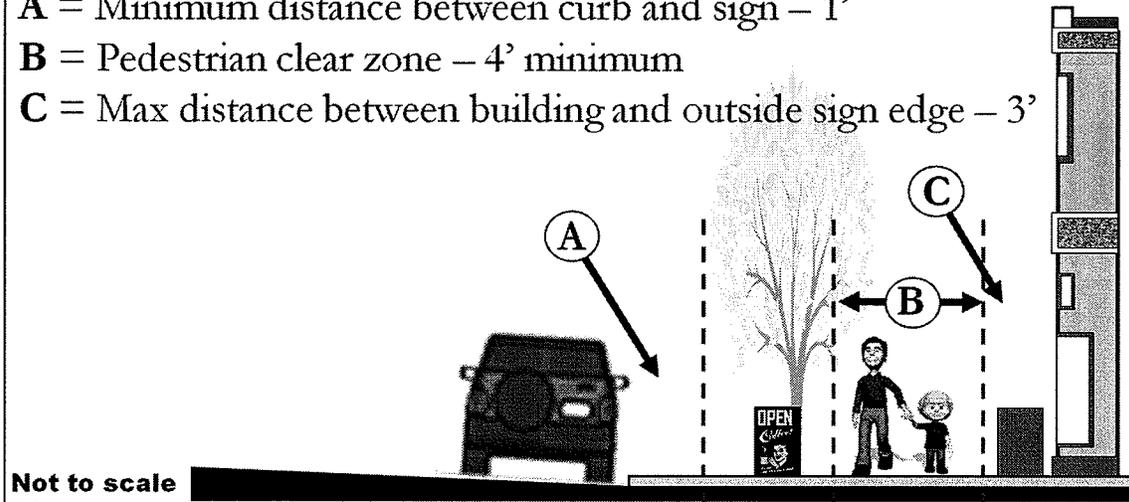
- J. No action shall be maintained against the City, its officers, employees, and agents, whether elected or appointed, by any person or legal entity for damages to their property or person arising out of any injury to a person or legal entity resulting from the condition of any sign located pursuant to this Section.
- K. Any property owner or business that is warned more than twice in a twelve (12) month period to remove signs that do not comply with this Ordinance will have the right revoked to place signs in the right-of-way for the following twelve (12) months.

Portable Sign Placement Standards in C-MU Overlay

A = Minimum distance between curb and sign – 1’

B = Pedestrian clear zone – 4’ minimum

C = Max distance between building and outside sign edge – 3’



ARTICLE 5 -- CONDITIONAL SIGNS PERMITTED

SECTION 5.01. GENERAL. Conditional Signs are only permissible within the Commercial or Industrial zones, or in conjunction with an approved conditional use, subject to the standards contained in Article 11. (Section 5.01, as amended by Ordinance No. 3025, passed July 3, 1979.)

SECTION 5.02. SIGNS ALLOWED CONDITIONALLY. The following are the conditionally permitted sign types and their limitations:

- A. Animated Sign -- The animated portion must not encompass more than twenty-five (25%) percent of a sign's total Sign Face Area as permitted in accordance with Section 4.04 of this Ordinance.
- B. Billboards -- Must not exceed three hundred (300) square feet of Sign Face Area in District A; six hundred (600) square feet of Sign Face Area in District B; nine hundred (900) square feet of Sign Face Area in District C, nor thirty-five (35') feet in height. No Billboard must be allowed to have more than four (4) steel exposed supports and all illumination devices must be concealed within the non-structural trim. The minimum space between readable signs in the same direction of traffic must be five hundred (500') feet and not more than five (5) billboards per mile.
- C. Marquees -- Must be constructed in accordance with the building codes adopted by the City, and any sign attached to, affixed to, or designed as part thereof must not exceed the thickness of the Marquee.
- D. Mural -- See definition under Section 16.01 of this Ordinance.
- E. Neighborhood Commercial -- Must not exceed the allowable sign limits of Articles 3 and 4 of this Ordinance.
- F. Moving Sign -- Must encompass the entire Sign Face Area of a category Sign only.
- G. Roof Sign -- Must be permitted only if the building exceeds five (5) floors above ground provided said sign is designed as an integral part of the building, or penthouse.
- H. Sign Tower and Area Identification Sign -- Must be permitted in addition to the businesses category Sign. Said sign must not exceed the Sign Face Area permitted in accordance with Section 4.04 of this Ordinance, multiplied by the number of businesses utilizing space on the sign. The maximum height of the sign must not exceed thirty (30') feet for two (2) businesses, plus an added five (5') feet for each additional business utilizing space on the sign; with a maximum height of sixty (60') feet in Zone C, forty-five (45') feet in Zone B, and thirty (30') feet in Zone A.
- I. Street Furniture -- See definition under Section 16.01 of this Ordinance.

(Section 5.02, as amended by Ordinance No. 2849, passed October 26, 1976; Ordinance No. 3025, passed July 3, 1979; Ordinance No. 3154, passed January 6, 1981, Ordinance No. 3691, passed November 18, 2003, Ordinance No. 3703, passed June 1, 2004.)

ARTICLE 6 -- PROHIBITED SIGNS

SECTION 6.01. SIGNS NOT ALLOWED. The following types of signs are expressly prohibited in all Districts and Zones:

- A. Abandoned Sign -- See Section 15.05 of this Ordinance.

- B. Attention Devices – Beacons and flashing devices.
 - C. Flashing Sign -- See definition under Section 16.01 of this Ordinance.
 - D. Portable Sign -- Except signs within the public rights-of-way.
 - E. Swinging -- See definition under Section 16.01 of this Ordinance.
- (Section 6.01, as amended by Ordinance No. 3025, passed July 3, 1979.)

ARTICLE 7 -- EXCEPTIONS

SECTION 7.01. SPECIAL SIGN DISTRICTS. Merchants occupying sixty (60%) percent or more of the linear foot frontage of the properties on both sides of the respective street in any area may petition for the formation of a Special Sign District. This may be done for such reasons as to create an area with a particular ethnic atmosphere, to simulate a historic period, theatre or entertainment area, or other similar purpose. A group of property owners or persons in the right of possession will be chosen by the merchants to represent them. The group should not exceed nine (9) members and become the Special Sign District Group (SSDG) of the Sign District for this area and owners.

The SSDG will draw up the criteria for signs in their Sign District and submit such criteria to the Commission for consideration and recommendation to the Council. The Council must conduct a public hearing after which the Council may approve the Special Sign District and sign criteria or may disapprove it. If the criteria for the Special Sign District is approved and all state requirements met and the adoption becomes effective, the City must publish and uphold the SSDG criteria as regulations of a Sign District in the same manner as a Code of the City.

(Section 7.01, as amended by Ordinance No. 3025, passed July 3, 1979.)

ARTICLE 8 -- NONCONFORMING SIGNS AND THEIR STRUCTURAL MEMBER(S)

SECTION 8.01. CONTINUATION OF NONCONFORMING SIGNS AND/OR STRUCTURAL MEMBER(S).

Subject to the compliance provisions of this Ordinance, a nonconforming sign and its structural member(s) may be sustained and maintained. A nonconforming sign and its structural member(s) may be altered or extended on approval of the Commission if the alteration or extension does not cause the structure to deviate further from the standards of this Ordinance. A nonconforming advertising sign if removed from the premises may not be replaced.

(Section 8.01, as amended by Ordinance No. 3025, passed July 3, 1979.)

SECTION 8.02. DESTRUCTION OF NONCONFORMING SIGN AND/OR STRUCTURAL MEMBER(S).

If a nonconforming sign and/or its structural member(s) is damaged by any cause to an extent of not more than seventy-five (75%) percent of its replacement cost, reconstruction of and/or repair of an identical sign must commence within ninety (90) days of the date of damage; otherwise, any future sign and/or its structural member(s) on the site must conform to this Ordinance. Any sign damaged in excess of seventy-five (75%) percent of its replacement cost may be replaced only with a conforming sign.

(Section 8.02, as amended by Ordinance No. 2849, passed October 26, 1976.)

SECTION 8.03. COMPLIANCE. Any signs in existence and classified as a nonconforming sign may be utilized from the effective date of this Ordinance for a period of ten (10) years (Year 2000). If any category Sign chosen to remain is nonconforming, it may be continued until there is a change of ownership/lessee or a change in the type of business conducted on the premises or not beyond January 1, 2000, whichever occurs first; then the nonconforming sign must be removed by the owner/lessee, and if replaced, it must be a conforming sign.

In addition, at the end of the tenth (10th) year a business shall be allowed to retain only those Exempt Signs, Incidental Signs, which meet the requirements specified in this Ordinance.

At the end of the tenth (10th) year all conditional conforming and nonconforming signs shall require the acquisition of a conditional sign permit. If a sign is nonconforming, the Commission shall determine the date when the sign must conform to this Ordinance.

Prior to the end of the tenth (10th) year any business may erect any new sign which is allowable and in conformance with the provisions of this code provided that a sign of equal type be removed.

(Section 8.03, as amended by Ordinance No. 2849, passed October 26, 1976; and Ordinance No. 3025, passed July 3, 1979.)

SECTION 8.04. EXCEPTION - HISTORIC SIGNS.

A. Purpose. The City of Pendleton desires to preserve certain Historic Signs while continuing the policy of removing nonconforming signs with no historic character in accordance with Section 8.03 of this Ordinance.

B. Historic signs, as defined by this Ordinance, are exempt from the requirements of Section 8.03 of this Ordinance, provided that the Historic Signs meet all of the following criteria.

1. The Historic Sign is forty (40) years old or older, unless otherwise approved by the Planning Commission;
2. The Historic Sign has advertised the same business, during the period of time located on the site, unless otherwise approved by the Planning Commission;
3. The Historic Sign is maintained in good repair; and

4. The Historic Sign does not obscure the visibility of another business sign that complies with this Ordinance when viewed from a vehicular distance of two hundred (200') feet.
- C. Proof that the sign is historic must be submitted to the Planning Director and, if approved by the Planning Director, the sign must be placed on a list of Historic Signs which must be kept on file with the Sign Ordinance in the Community Development Department. If a sign ceases to meet the criteria of Historic Signs, removal from the list will occur after thirty (30) days provided the Planning Director sends a written notice to the sign, business and property owners.
- D. Notice to Property and Business Owners. If the Planning Director designates a sign as historic, a notice of the proposed designation will be mailed within two (2) working days of the decision to all owners of property and businesses, which front upon the same side of the street within two hundred (200') feet of the property upon which the Historic Sign is located, and objections and comments solicited. If written objections to the proposed designation are received within the ten (10) day notice period, by the Planning Director, a public hearing must be held in accordance with the Conditional Sign provisions of this Ordinance, and the applicable fee paid by the applicant. If no objections to the designation are received, the decision becomes final and effective at the end of the ten (10) day period.
- E. Alteration of Historic Signs. A sign owner, business owner or property owner wishing to alter the size, appearance, structure, location, or Copy of a designated Historic Sign, must submit design drawings and other evidence to the Planning Commission to enable the Commission to determine if the proposed alteration will materially detract from the historic character of the sign.
- (Section 8.04, as added by Ordinance No. 3420, passed June 21, 1988; and amended by Ordinance No. 3467, passed September 17, 1991.)

ARTICLE 9 -- DESIGN, CONSTRUCTION AND MAINTENANCE

(Taken from the UBC)

SECTION 9.01. DESIGN.

Signs and sign structures, even those that may be exempt from permitting requirements, must be designed and constructed consistent with all applicable standards in the most current adopted Oregon Structural Specialty Code and Oregon Fire Code.

(Section 9.01 as amended by Ordinance No. 3874, passed October 6, 2015)

SECTION 9.02. CONSTRUCTION.

(Section 9.02 repealed by Ordinance No. 3874, passed October 6, 2015)

SECTION 9.03. MAINTENANCE. All signs for which a permit is required must be subject to inspection by the City.

- A. Electrical signs must comply with the State of Oregon Electrical Code.
- B. The City may order the removal of any sign that is not maintained in accordance with provisions set forth herein. All signs may be re-inspected at the discretion of the Planning Director. Maintenance of signs and their associated structure(s) must be the responsibility of the sign owner.

All signs, together with all of the supports, braces, guys and anchors must be kept in good repair and be maintained in a safe condition. All signs and the structure upon which they are located must be maintained free from excessive rust, corrosion, peeling paint or other surface deterioration, and in a neat, clean and attractive condition.

No person required to obtain a sign permit or license under this charter may allow litter from sign maintenance and sign construction on any public street, sidewalk or public or private property. (Section 9.03, as amended by Ordinance No. 3025, passed July 3, 1979.)

ARTICLE 10 -- VARIANCES

SECTION 10.01. AUTHORIZATION TO GRANT OR DENY VARIANCES. The Planning Commission may authorize variances from the requirements of this Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of the Ordinance would cause an undue or unnecessary hardship. No variance shall/will be granted to allow the location of a sign in an unauthorized area or to alleviate a self-inflicted hardship. In granting a variance, the Commission may attach conditions which it finds necessary to protect the best interest of the surrounding property or neighborhood or to otherwise achieve the purposes of this Ordinance. (Section 10.01, as amended by Ordinance No. 3025, passed July 3, 1979.)

SECTION 10.03. APPLICATION FOR A VARIANCE. Variances to this Ordinance are processed pursuant to the standards for a Type III Variance contained in the City of Pendleton Unified Development Code (Ordinance No. 3845), with the exception of the time limit on a permit outlined below. (Section 10.03, as amended by Ordinance No. 3025, passed July 3, 1979.)

SECTION 10.06. TIME LIMIT ON A PERMIT FOR A VARIANCE. Authorization of a variance will be void after one hundred eighty (180) days unless substantial construction pursuant thereto has taken place. However, the Commission may extend authorization for an additional period not to exceed one hundred eighty (180) days on request. (Section 10.06, as amended by Ordinance No. 3025, passed July 3, 1979.)

ARTICLE 11 -- CONDITIONAL USES

SECTION 11.01. AUTHORIZATION TO GRANT OR DENY CONDITIONAL SIGNS. Conditional Signs listed in this Ordinance may be permitted, enlarged or otherwise altered upon authorization by the Planning Commission in accordance with the standards and procedures set forth in this Ordinance. In permitting a new Conditional Sign or the alteration of an existing Conditional Sign, the Commission may impose in addition to those standards and requirements expressed by this Ordinance, any additional conditions which the Commission considers necessary to protect the best interests of the surrounding property or the City as a whole. (Section 11.01, as amended by Ordinance No. 3025, passed July 3, 1979.)

SECTION 11.02. APPLICATION FOR CONDITIONAL SIGNS. Conditional Use Permits will be processed pursuant to the standards for a Type III application contained in the City of Pendleton Unified Development Code (Ordinance No. 3845), with the exception of the time limit on a permit outlined below. (Section 11.02, as amended by Ordinance No. 3025, passed July 3, 1979.)

SECTION 11.05. TIME LIMIT ON A PERMIT FOR A CONDITIONAL USE. Authorization of a Conditional Sign will be void after one hundred eighty (180) days or such lesser time as the authorization may specify unless substantial construction pursuant thereto has taken place. However, the Commission may extend authorization for an additional period not to exceed one hundred eighty (180) days on request. (Section 11.05, as amended by Ordinance No. 3025, passed July 3, 1979.)

ARTICLE 12 -- AMENDMENTS

SECTION 12.01. PROCEDURE. Amendments to this ordinance may be considered pursuant to the standards for a Type IV Amendment contained in the City of Pendleton Unified Development Code (Ordinance No. 3485).

ARTICLE 13 -- APPEALS

SECTION 13.01. GENERAL.

- A. Appeal of an administrative/staff decision to grant or deny a sign permit may be considered pursuant to the standards for appeal of a Type II decision contained in the City of Pendleton Unified Development Code (Ordinance No. 3845).
- B. Appeal of a Type III Planning Commission decision to grant or deny a sign permit may be considered pursuant to the standards for appeal of a Type III decision contained in the City of Pendleton Unified Development Code (Ordinance No. 3845).

ARTICLE 14 -- LICENSES, PERMITS AND FEES

SECTION 14.01. LICENSES. (Reserved)

(Section 14.01, amended by Ordinance No. 2849, passed October 26, 1976; and repealed by Ordinance No. 3232, adopted August 3, 1982.)

SECTION 14.02. PERMITS. No person is permitted to erect a permissible sign within the City until an application is made to the City on the form prescribed by the City which must include data set forth below, appropriate fee paid, and said application is approved.

- A. Name, address and telephone number of the applicant and property owner, sign owner and erector.
- B. Location of the sign or structure.
- C. Scaled drawing showing position of the sign or sign structure in relation to the nearest buildings, structures, power poles/lines, public streets, rights-of-way and property lines.
- D. Plans and specifications and method of construction or attachment to the building or in the ground, including all dimensions, showing all light sources and the direction in which the light will shine.
- E. If a building permit is required, a Copy of design computations and calculations showing the structure as designed for dead load and wind velocity.
- F. Any electrical permit required for any sign.
- G. Signature of the applicant and the signature of the owner or his agent.
- H. Sign permit is valid for one (1) year from the date of issuance.
- I. Other information as may be required by the City.

(Section 14.02, as amended by Ordinance No. 3025, passed July 3, 1979.)

SECTION 14.03. APPROVAL OF PERMITS. When a sign is to be located on a lot occupied by a listed historical structure on the Pendleton Inventory of Historic Sites, Structures, and Districts, the sign shall be considered an exterior alteration subject to the provisions of the Historic Preservation standards in the Unified Development Code (Ordinance No. 3845).

(Section 14.03, amended by Ordinance No. 3747, passed May 15, 2007.)

Sign Code Ordinance No. 3896

SECTION 14.04. FEES and PROCEDURES.

- A. Shall be set by resolution.
- C. Penalties. The fee for any sign shall be doubled when the applicant begins work prior to obtaining the sign permit or bonding, as required by this Ordinance.
- D. Variances and Conditional Uses, shall be processed under the procedures established in the Unified Development Code, and are subject to the applicable fee under the ordinance governing this use process.
- E. Local Enterprise Zone Incentive. A business which is pre-certified by the City as a "Qualified Business Firm", in accordance with the Oregon Enterprise Zone Act, will not be required to pay the sign code fees from the time construction is approved by the City to the end of the third (3rd) year of business operations. This local enterprise zone incentive subsection will automatically terminate on July 1, 2007, and be of no further force or effect after that date, unless extended by action of the City of Pendleton and/or State of Oregon.

(Section 14.04, as amended by Ordinance mm 2849, passed October 26, 1976; Ordinance No. 3025, passed July 3, 1979; Ordinance No. 3088, passed November 6, 1979; Ordinance No. 3156, passed February 3, 1981; Ordinance No. 3232, passed August 3, 1982; Ordinance No. 3384, passed March 17, 1987; Ordinance No. 3426, passed February 7, 1989; Ordinance No. 3435, passed August 1, 1989; Ordinance No. 3458, passed April 2, 1991; Ordinance No. 3558, passed March 18, 1997; and Ordinance No. 3566, passed August 5, 1997; Ordinance No. 3747, passed May 15, 2007)

ARTICLE 15 -- ADMINISTRATION AND ENFORCEMENT

SECTION 15.01. ADMINISTRATOR. The City Manager or his/her designee is hereby authorized to administer and directed to enforce all of the provisions of this Ordinance.

SECTION 15.02. SIGNS NOT DEFINED. Any type of sign not defined herein may be presented to the City Manager who will present the matter to the Planning Commission, which must conduct a public hearing and determine the permissibility, size, location, or any other restrictions it deems necessary to insure its compatibility with the purposes set forth herein.

(Section 15.02, as amended by Ordinance No. 3025, passed July 3, 1979.)

SECTION 15.03. EXISTING SIGNS REVIEW. The City Manager shall cause to be inspected the signs of each business. After the inspection is completed, the City will issue a Notice of Inspection to each business, listing the signs of the business and noting those signs which need repair or modification as necessary to conform with the provisions of this Ordinance. Said inspections must be completed by 30 days after said inspection.

(Section 15.03, as amended by Ordinance No. 2849, passed October 26, 1976; and Ordinance No. 3025, passed July 3, 1979.)

SECTION 15.04. INTERPRETATION. Where the conditions imposed by any provision of this Ordinance are less restrictive than comparable conditions imposed by provision of this or any other ordinance, the provisions which are more restrictive must govern.

(Section 15.04, as amended by Ordinance No. 2849, passed October 26, 1976; and Ordinance No. 3025, passed July 3, 1979.)

SECTION 15.05. ABANDONED SIGNS. An existing sign and/or its structural member may be re-used within ninety (90) days by the owner or lessee of the premises upon which the sign is located when the business which it identified is no longer conducted on the premises. Presentation of proof:

- (1) a signed lease with a new tenant; or
- (2) signed contract with a sign company for sign face modification work -- within the ninety (90) day period and must constitute re-use of the existing sign.

If no proof is presented within the specified ninety (90) day period, the sign and/or its structural member(s) is hereby declared as an illegal sign and must be removed in accordance with Section 15.06 of this Ordinance.

(Section 15.05, as amended by Ordinance No. 2849, passed October 26, 1976; and Ordinance No. 3025, passed July 3, 1979.)

SECTION 15.06. REMOVAL OF ILLEGAL SIGNS. The City Manager may order the removal of any sign and its structural member(s) erected or maintained in violation of this Ordinance. Three (3) days' notice in writing will be given to the owner of the building, structure, or premises on which any prohibited sign has been erected to have it removed, except an abandoned sign. Thirty (30) days' notice in writing will be given to the owners of any other illegal sign, or of the building, structure or premises on which such sign is located to either bring the sign into compliance with the Ordinance or effect its removal. Upon failure to remove the sign, or to comply with this notice, the City Manager may remove the sign. The City Manager must remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public.

Any costs of removal incurred by the City shall be assessed to the owner of the property on which such sign and/or structural member(s) is located, and shall be collected in the manner of ordinary debt or in the manner of liens with all costs assessed against the property.

(Section 15.06, as amended by Ordinance No. 2849, passed October 26, 1976; Ordinance No. 3025, passed July 3, 1979, and Ordinance No. 3603, passed April 20, 1999.)

SECTION 15.07. SIGNS THAT ARE A NUISANCE. The location, erection, construction, maintenance, repair, or alteration of a sign and structure, except as provided herein, in violation of the terms of this Ordinance is hereby declared to be a nuisance under the provisions of Ordinance No. 2422 (Nuisance Ordinance).

(Section 15.07, as amended by Ordinance No. 3025, passed July 3, 1979.)

SECTION 15.08. REMEDIES FOR UNLAWFUL SIGNS AND STRUCTURES. In case a sign and its structure is, or is proposed to be located, constructed, maintained, repaired, or altered in violation of this Ordinance, the Council or any person whose interest in real property in the City is, or may be affected by the violation, may, in addition to other remedies provided by law, institute proceedings for an injunction, mandamus, abatement, or other appropriate action or suit to prevent, temporarily or permanently enjoin, abate, or remove the unlawful location, construction, maintenance, repair, or alteration of a sign and its structure.

(Section 15.08, as amended by Ordinance No. 3025, passed July 3, 1979.)

SECTION 15.09. MAP UPKEEP. The **Sign District Map** shall be reviewed annually and revised if necessary pursuant to the standards for an amendment to this Ordinance.

(Section 15.09, as amended by Ordinance No. 3025, passed July 3, 1979.)

SECTION 15.10. NOTICE OF PUBLIC HEARING. When the Commission is required to hold a public hearing, notice of the hearing must be given in the following manner:

- A. Each notice of a hearing on any amendment to either the text, a conditional sign, Special Sign District, or a variance must be given by a publication of a notice in three consecutive daily issues of a local newspaper of general circulation within the City. One such publication must be within seven (7) days of the date of the hearing.
- B. A notice of hearing on an amendment, conditional sign, a variance or a Special Sign District must be mailed to all owners of property within two hundred fifty (250') feet of the property to which the amendment, conditional sign, Special Sign District or variance has been requested. The notice of hearing must be mailed at least ten (10) days prior to the date of hearing.
- C. Failure of a person to receive the notice prescribed in this section must not impair the validity of the hearing.
- D. The notice provision section must not restrict the giving of notice by other means, including mail, the posting of property, or the use of radio or television.
- E. Recess of Hearing. The Commission may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed must be announced.

(Section 15.10, as amended by Ordinance No. 3025, passed July 3, 1979; Ordinance No. 3221, passed April 4, 1982.)

SECTION 15.11. VIOLATION AND PENALTIES.

- A. A violation of a provision of this Ordinance must be punishable by a fine not to exceed Five Hundred and No/100 (\$500.00) Dollars.
- B. Every full business day during which a business activity continues to be conducted in violation of this Ordinance must be considered a separate offense.
- C. Offenses under this Section must be tried in the Municipal Court as a violation and not as a crime. As a violation there is no right to jury trial or court-appointed counsel.

(Section 15.11, as amended by Ordinance No. 3025, passed July 3, 1979; and Ordinance No. 3411, passed January 5, 1988.)

SECTION 15.12. CONFISCATION. Any device operated, kept or maintained in violation of this Ordinance must be confiscated by the City, and upon conviction, must be disposed of as provided by applicable State law or City ordinance.

(Section 15.12, as added by Ordinance No. 3411, passed January 5, 1988.)

SECTION 15.13. ADDITIONAL REMEDIES.

- A. In addition to the penalties provided in this Ordinance, the City may sue in a court of competent jurisdiction to obtain a judgment for a tax, fee or fine due under this Ordinance and enforce collection of the judgment by execution.
- B. The City may seek an injunction to prohibit a person from engaging in conduct prohibited by this Ordinance.
- C. In an action authorized by this Section, if the City prevails, it must recover reasonable attorney's fees to be set by the Court in addition to its costs and disbursements. These fees are recoverable at all levels of trial and appeal.

(Section 15.13, as added by Ordinance No. 3411, passed January 5, 1988.)

SECTION 15.14. SEVERABILITY. The sections of this Ordinance are severable. The invalidity of a section or part of a section of this Ordinance must not affect the validity of the remaining sections or parts of sections.

(Section 15.14, as amended by Ordinance No. 3025, passed July 3, 1979; and Ordinance No. 3411, passed January 5, 1988.)

SECTION 15.15. REPEAL. Section 7 of Ordinance No. 2165, Section 86 of Ordinance No. 2675, Ordinance No. 2510 and all parts of Ordinances in conflict herewith are hereby repealed; however, that said Ordinances must remain in effect so as to enforce them as to violations thereof made prior to the passage of this Ordinance.

(Section 15.15, as amended by Ordinance No. 3025, passed July 3, 1979; and Ordinance No. 3411, passed January 5, 1988.)

SECTION 15.16. EMERGENCY. Inasmuch as it is necessary for the health, safety and welfare of the citizens of the City of Pendleton that this Ordinance be in full force and effect from and after its passage, an emergency is hereby declared to exist, and this Ordinance must become effective from and after the date of its passage.

(Section 15.14, as amended by Ordinance No. 3025, passed July 3, 1979; and Ordinance No. 3411, passed January 5, 1988.)

ARTICLE 16 -- DEFINITIONS

SECTION 16.01. DEFINITIONS AND ABBREVIATIONS. The following words and phrases when used in this Ordinance shall have the meanings respectively ascribed to them in this section, excepting in those instances where the context clearly indicates a different meaning. The words "shall, must" is mandatory.

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 such sign is displayed.

Address. A numerical identification of a specific location for the purposes of emergency response, often used for postal/mail deliveries, identification of residence/business/industry.

Business Directory Sign. A sign giving the name and room number or location of the occupants of a building.

Amendment. A change in a given provision of this Code as recommended by the Commission and approval by the Council.

Animated Sign. Any sign which depicts a moving object, thing, person, animal or happening through apparent movement; or tends to lend the eye by producing lineal or circular movement; or provides a random twinkling of lights; or spells out a word, one letter, number or character at a time and may include flashing the completed word or words. (NOTE: This term does not include flashing, moving, Attention Devices or public service signs -- all of which are separately defined.)

Appeal. The procedure whereby a person seeks relief from an action or ruling of the City Manager or of the Commission.

Approved Plastics. As defined in the Uniform Building Code (UBC), Uniform Sign Code, Chapter 2, Section 202.

Area Identification Sign. A sign identifying the name of a neighborhood, residential subdivision, multiple residential complex of two (2) or more buildings, commercial center of two (2) or more separate businesses, industrial area, office complex of two (2) or more separate businesses or structures or any combination of the above.

Attention Devices. Any device of non-permanent paper, cloth, plastic or similar material used to span open spaces, such as streets, parking areas or along buildings used primarily to attract attention which includes banners, light strings, rotating beacons, ribbons, posters, spinners, search light, pennants (excepting national flags), wind activated devices or streamers, high intensity beacon.

Awning. Any structure made of cloth or metal with a metal frame attached to a building and projecting over a Sign Code Ordinance No. 3896

thoroughfare, when the same is so erected as to permit its being raised to a position flat against the building when not in use.

Barber Pole. A device usually cylindrical in shape, attached to a building or a freestanding pole colored diagonally red, white and blue, which revolve to identify the business of cutting hair.

Billboard. Outdoor advertising signs, designed for frequent Copy Changes, which advertise goods, products or services not sold on the premises on which the sign is located, there being three main types: (1) Poster panels or bulletins normally mounted on a building wall or free-standing structure with advertising Copy in the form of pasted paper; (2) Multi-prism signs -- same as (1), and alternating advertising messages on the one display area; and (3) Painted bulletins, where the advertiser's message is painted directly on the background of a wall-mounted or free-standing display area.

Bond. An assurance given to the City for compliance with the provisions of this Code. It may be in the form of cash, or equivalent, or in the usual form surety bond issued by an insurance company authorized to do business in Oregon, or undertaking with one or more sureties. If a cash deposit is made, any interest earned must be the property of the person who made the deposit.

Brand Name. A business trademark or similar Copy upon a sign surface identifying a primary product of a business (not necessarily the business name).

Building Line. A line established by ordinance beyond which no building may extend. A Building Line may be a property line.

Business Frontage. The entire length of a business facing a public right-of-way or an off-street parking area. A Business Frontage may be the entire length of a building if the business occupies that entire portion of a building facing the right-of-way or an off-street parking area. A business may have more than one frontage provided each frontage faces a designated public right-of-way or off-street parking area.

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

City. City of Pendleton, Oregon.

City Forums. Traditional Public Forums (parks, sidewalks, and streets), Limited Public Forums (courthouses, fair grounds, public universities), and Non-Public Forums (private/publicly owned property – airports, jailhouses, military bases) where the City may place signage exclusively for the use of the City and not to the benefit of a private entity.

City Manager. The officer charged with the administration and enforcement of this Code, which includes his duly authorized agent.

Charity. A civic, philanthropic, educational, or religious organization.

Commission. The Planning Commission of the City of Pendleton, Oregon.

Conditional Sign. A sign which is subject to approval and to conditions which may be imposed by the Commission after a public hearing.

Construction Sign. A sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.

Copy. The wording and/or symbols on a sign face.

Copy Change. The replacing of an existing sign Copy and/or sign face to reflect an image change or new business or use without altering the existing sign structure.

Corner Mounted Projecting Sign. A projecting sign mounted on the outside street corner of a Business' Frontage at a 35 to 55 degree angle to the extended building lines.

Council. The City Council of the City of Pendleton, Oregon.

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 must be established by the Public Works Director.

Cutout. Includes every type of display in the form of letters, figures, characters, representations, or others in cutout or irregular forms attached to or superimposed upon a Billboard or the display surface of a sign.

Cutout Display Sign. A display message in the form of letters, figures, representations, or others in cutout or irregular form attached to the building face, roof, sloping roof or parapet.

Directional Sign. Premise Incidental Signs designed to guide or direct pedestrian or vehicular traffic.

Display Window Sign. Signs in the display window of a business which are incorporated with a display of merchandise or relating to services or products within.

District. A roadway or series of roadways of similar vehicular speed limits and traffic conditions which are designated on Map 2.

Electric Sign. Any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source and provides artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign.

Erect. This term must mean attach, place, alter, construct, reconstruct, enlarge, or move, and includes the painting of wall signs, but does not include Copy changes on any sign.

Exempt Signs. Signs exempted from normal permit requirements; however, still subject to those restrictions as stated in this Ordinance.

Facelift. The remodeling of an entire Business Frontage which is visible from a public right-of-way, so that the building materials, door frames, window frames, Marquees or Awnings and signs are designed in harmony with each other; merely painting the entire exterior must not be considered a facelift.

Fascia. That finished portion of the roof structure which is parallel to the wall and whose facing is wood, metal, etc.

Fees. The amount required to be paid to the City as specified to undertake any provision of the Ordinance in pursuit of erecting a sign.

Fire Zone. An area as defined in Ordinance No. 2608 which, correlated with the Uniform Building Code, sets forth the standard and requirements of material and construction within that zone.

Flashing Sign. Any sign which contains an intermittent or flashing light source, or an externally-mounted intermittent light source. Automatic changing signs such as time, temperature and date signs or electronically controlled message centers are classed as "Public Service Signs," or "Flashing Signs."

Free-standing (Pole or Pylon) Sign. A sign supported by one or more uprights in the ground and detached from any building or structure, in which the owner does not lease out the space to others for posting their message.

Front Face. That portion of a business building in which a main entrance to the business is located.

Grand Opening. The introduction, promotion, announcement of a new business, store, shopping center, office or of an established business changing ownership or of the alteration, remodeling and renovating of a structure in excess of twenty-five (25%) percent of the fair market value as indicated by the records of the County Assessor.

Ground Sign. A sign which is mounted on the ground and either extends from the ground or is not more than three (3') feet from the ground to the bottom of the sign.

Historical Marker. A sign which locates and describes a historical site as identified by the local historical society and approved by the State of Oregon, Highway Division.

Historic Sign. An existing sign which meets the criteria of this Ordinance and due to its unique or unusual characteristics of historic value, age, design or construction, is indicative of a particular historic period in Pendleton and contributes positively to the surrounding physical environment. Examples of historic signs include but are not limited to the following: Neon Signs, Incandescent Signs, Porcelain Signs, painted wall signs advertising business or products of an historic period (also known as "ghost signs"), Cararra glass or Vitrolite Signs, cast aluminum or stainless steel lettering and animated graphics.

Home Occupation Sign. A flush wall-mounted, on premise sign identifying a home occupation that has been approved by the Commission.

Illegal Sign. Any sign that has been erected without a sign permit or is erected in violation of this Code.

Illuminated Sign. Any sign which reflects light from a source intentionally directed upon it, such as by means of floodlights, gooseneck reflectors or externally mounted fluorescent light fixtures.

Incidental Sign. A sign identifying or advertising associated goods, products, services or facilities available on the premises. Such Incidental Signs include, but are not limited to trading stamps, accepted credit cards, brand names, price signs or services. The business name and/or logo may be an Incidental Sign and/or incorporated within an Incidental Sign subject to the provisions herein.

Incombustible (Noncombustible) Material. As defined in the UBC, Uniform Sign Code, Chapter 2, Section 211.

Institutional Sign. A sign which identifies public, charitable or religious facilities or land uses and the services offered thereon.

Interior Sign. Located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs for and located within the inner or outer lobby, court or entrance of any theater.

Kiosk. A small or light structure used as an information booth, for display of public and/or private notices or tourist accommodations. (See street furniture.)

Liability Insurance. The insurance required to be in effect by the sign company during the erection and existence of any sign if owned by a sign company.

License. The permission or authority granted by the City to any sign company to erect sign(s) within the City.

Limited Public Forum. Places designated by the government for civic discussion but is not the sole objective served. Example, courthouses, capitol grounds, fair grounds, public universities.

Linear Frontage Ratio. Ratio's established based on linear frontage in Section 4.04.

Logo. A business trademark or symbol.

Main Entrance. Front face of a business wherein is located the maximum number of pedestrian doorways and display windows. A business may have more than one main entrance provided that each identified front face has approximately the same number of doorways and display windows.

Marquee. A permanent roofed structure attached to and supported by the building and projecting over public property and constructed of durable materials such as metal, glass or plastic.

Minor Sign. A sign of minor square footage typically incidental to the signage of a site/business. Example: directional, incidental, home occupation.

Model Home. The introduction, promotion, announcement by a person inviting the public to view and inspect one or

more new or remodeled homes for the purpose of displaying and soliciting a sale of either the model or the construction of a new house, or the remodeling of an existing home.

Moving Sign. A sign which revolves or oscillates.

Multiple Sign. A sign which may have a maximum of three, physically separated, individual parts.

Multi-prism Signs. See "Billboard."

Mural. A graphic sign either realistic or abstract painted on a wall to attract the attention of the public to a facility which may relate to the business therein.

Nameplate. A non-electric sign identifying only the name and occupation or profession of the occupancy of the premises on which the sign is located. If any premises include more than one occupant, nameplate refers to all names and occupations or professions and may include the name of the building.

Neighborhood Commercial Sign. Any premise sign associated with a commercial use allowed in a residential zone by Conditional Use Permit by the Commission.

Nonconforming Sign. Any advertising structure or sign which was lawfully erected and maintained prior to such time of this Code, and which fails to conform to all applicable regulations and restrictions of this Code.

Non-Public Forum. Privately owned property and publicly owned property devoted almost exclusively to purposes other than individual expression. Example: airports, jailhouses, military bases, and private residential property not used as a home occupation.

Nonstructural Trim. Moldings, battens, caps, nailing strips and laticing, ladders, and walkways which are attached to a sign structure.

Open House. The introduction, promotion, announcement by a person, religious or charitable organization or governmental agency inviting the public to view and inspect the physical facilities or for the purpose of displaying and/or soliciting the sale of products.

Outdoor Advertising Sign. A sign, the owner of which leases out the space to others for posting their message.

Painted Sign. Any sign, the subject matter of which is painted directly upon the surface of a building or structure.

Parapet (Parapet Wall). That portion of a building wall that rises above the roof level.

Permit. The document issued by the City authorizing the erection of a sign.

Person. Individuals, corporations, associations, firms, partnerships, and joint stock companies.

Pole or Pylon Sign. See "Free-standing Sign."

Political Sign. A sign, other than a billboard, advertising a candidate or issue to be voted upon a definite election day.

Portable Sign. A sign that is movable and/or not permanently attached to the ground, a structure or a building.

Premise Sign. A sign which advertises the business or the goods, services or facilities located on the premise on which the sign is located.

Primary Product. A goods that is customarily offered for retail sale at a business premise (other than through a vending machine).

Prohibited Sign. Any sign set forth in Article 6 of this Ordinance that violates the purposes of this Ordinance as set forth in Section 1.02E herein.

Projecting Sign. A sign other than a wall sign which projects beyond the front face to which it is attached. "Projection" means the distance which a sign extends from the front face to which it is attached.

Public Right-of-Way. An area over which the public may move at will.

Public Service Sign. Any sign intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news or traffic control, etc.

PUD Sign. A sign located at the entrances to a lawfully designated Planned Unit Development which must contain only the name of the development.

Reader Board Signs. A sign which is characterized by changeable Copy, regardless of method of attachment.

Real Estate Sign. A temporary sign advertising the sale or lease of property or buildings.

Regulatory/Warning Signs. A sign erected by the City, county or state government to insure safe and efficient control of vehicular and pedestrian movement by means such as traffic lights, stop signs, railroad crossing signs, yield signs, hazard signs, highway identification and Directional Signs.

Roof Line. The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Roof Sign. A sign erected upon or above a roof line of a building and which is supported by said building.

Rotating Beacon. A device either independent or affixed to a sign whose light rotates and emits a variable intensity of light to draw attention.

Seasonal or Holiday Signs. Signs such as Christmas decorations, those used for a recognized local/state/federal/national/religious holiday and installed for a limited period of time

Setback. The minimum horizontal distance between a building and a highway or street right-of-way line or a lot line.

Sign. Any identification, description, illustration or device, including graffiti, illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, with the exception of national flags. For the purpose of removal, signs must also include all sign structural members.

Sign Face Area. That portion of a sign upon which the Copy (message, advertisement, etc.) is presented, as distinguished from the structural members.

Sign Height. The vertical distance measured from the adjacent street grade or upper surface of the nearest street curb to the top of the sign as specified herein.

Sign Structure. The supports, uprights, braces, and framework of the sign.

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.

Sign District. The District as designated on the Sign District Map and applicable to sign category square footage limitations in relation to street speed limit.

Sloping Roof Sign. A sign placed on the sloped roof section of a building.

Special Sign District. A District created at the request of local property owners, to determine their own criteria for signs with the approval of the Council in accordance with the provisions set forth herein.

Special Sign District Group (SSD Group). The governing body of the Special Sign District which acts in behalf of all property owners within a District.

Street Furniture. Any structural element other than residential, industrial or commercial buildings, streets, sidewalks and curbs must be considered street furniture including, but not limited to benches, bus shelters, newsstands, kiosks, drinking fountains, bicycle stalls, refuse containers, etc. upon which a sign could be affixed.

Structural Member. Those members of a sign which provide support and stability such as pylon, pole, arm beam, braces, guy wires, etc.

Subdivision Sign. A sign installed that is not rigidly fastened.

Traditional Public Forum. Parks, sidewalks, and streets.

Temporary Sign. A temporary sign employed during events of civic, philanthropic, political, real estate, educational or religious organizations. A premise or outdoor advertising sign, banner, balloon, pennant, or advertising display constructed of cloth, canvas, light fabric, cardboard, plywood, wood, wallboard, plastic, sheet metal or other similar light materials, with or without a frame, which is securely fastened but not permanently affixed to any sign structure, sign tower or building and erected for a short time period.

Uniform Building Code. The Uniform Building Code (UBC) as adopted by the State of Oregon and the City, a Copy of which is on file in the Building Department, City Hall.

Underwriters' Laboratories (48). In the United States, a nonprofit organization which establishes standards for electrical and mechanical equipment and materials and is commonly referred to as AUL. "The electrical section is known as "Underwriters' Laboratories (48)."

"V" Sign. A projecting sign which is attached to the face of a building with two (2) sign faces forming the shape of a "V."

Variance. A deviation from the provisions of this Code subject to approval and conditions which may be imposed by the Commission after public hearing.

Wall Sign. A sign painted on or attached to or erected against the wall, parapet or fascia of a building in a plane

parallel to the plan of said wall or face and projecting no more than eighteen (18") inches therefrom.

Zone. An area which has been identified to accommodate a specific type of use as determined in the City Zoning Map.

PASSED by the City Council and approved by the Mayor August 2, 2016.

APPROVED: 
Phillip W. Houk
Mayor

ATTEST: 
Andrea F. Denton ~~Donna Biggestaff~~
City Recorder

Approved as to form:

Nancy Kerns
City Attorney