ORDINANCE NO. 888

AN ORDINANCE REGULATING THE PLACEMENT, SIZE, AND TYPES OF SIGNS DISPLAYED ON BUILDINGS AND PREMISES WITHIN THE CITY OF MADRAS, SUPERSEDING AND REPLACING ORDINANCE NO. 697 AS AMENDED BY ORDINANCES NO. 772, 783, 815, 818, AND 854, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Madras desires to make the City more attractive and interesting for its residents and visitors, to promote business within the City of Madras, to maximize the effectiveness of the type of advertising for businesses and facilities, and to promote the general health, safety, property, and welfare of the public;

WHEREAS, it is necessary as a community to control the type, form, construction, and location of signage within the City;

WHEREAS, the City most recently adopted Ordinance No. 697 (ratified June 11, 2002) to regulate signage within the City;

WHEREAS, the City's Planning Commission held a public hearing on January 14, 2016 to receive public comment regarding proposed amendments to Ordinance No. 697;

WHEREAS, after deliberating on the matter fully, the Planning Commission recommended the City Council approve the proposed amendments;

WHEREAS, the City Council held a public hearing on April 26, 2016 to receive public comment regarding the proposed amendments; and

WHEREAS, after deliberating on the matter fully, the City Council desires to adopt the proposed amendments.

NOW, THEREFORE, the City of Madras ordains as follows:

ARTICLE 1: INTRODUCTORY PROVISIONS

SECTION 1.0 TITLE

This Ordinance shall be known as the City of Madras Sign Ordinance.

SECTION 1.1 PURPOSE

The purpose of this Ordinance is to provide reasonable and necessary regulations for the placement and maintenance of signs within the City in order to:

a) Protect the health, safety, property, and welfare of the public by minimizing distractions to motorists and ensuring that signs are appropriately sized and located as to not create a hazard.

b) Promote a neat, clean, orderly, and attractive appearance within the City.

c) Improve the effectiveness of signs in identifying and advertising public and private businesses, services, and facilities.

d) Discourage signs that demand, rather than invite public attention.

e) Provide for reasonable, orderly, and effective display of signage compatible with its surroundings.

f) Preserve, protect, and enhance the economic, scenic, historic, and aesthetic values and objectives of the city and its citizens.

g) Provide effective signage to meet the anticipated differing needs of various areas in the City.

SECTION 1.2 INTERPRETATION

For the purposes of this Ordinance, words used in the present tense include the future, the singular includes the plural, the word "shall" is mandatory and the word "building" includes structures other than sign structures.

This Ordinance is not intended to, and does not restrict speech on the basis of its content, viewpoint or message. No part of this Ordinance shall be construed to favor commercial speech over non-commercial speech. To the extent any provision of this Ordinance is ambiguous, the term shall be interpreted to not regulate on the basis of speech content, and the interpretation resulting in the least restriction on the content of the sign's message shall prevail.

References to zones or zoning shall correspond to the City's Zoning Ordinance and/or Zoning Map, as both may be amended from time to time.

SECTION 1.3 DEFINITIONS

The following definitions apply in this Ordinance.

Abandoned Sign: A sign that advertises or promotes services, activities, or a business that have not been available or have been closed for more than six (6) months or a damaged sign that has not been immediately removed pursuant to Section 6.2.

Alter: To make a change to a sign or sign structure, including but not limited to, changes in area, height, projection, illumination, shape, materials, placement and location on a site. Altering a sign does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, or exchanging the display panels of a sign. The replacement of a sign on an existing pole sign in the Downtown Commercial (C-2) zone with a sign for the same, a similar, or a related business shall not constitute an alteration.

Awning: An awning consists of a covered shelter constructed of wood, canvas, cloth or other flexible material projecting horizontally from the building and attached to a building. Awnings that meet applicable building codes are not considered a sign by this Ordinance.

Billboard: A Billboard is a sign that is not at the location of a business or an activity open to the public or for which compensation or anything of value is given or received for the display of the sign or for the right to place the sign on another's property as more specifically defined in rules promulgated by the Oregon Department of Transportation.

Building Official: The Jefferson County Building Official or his designee.

Business: Business shall mean all of the activities carried on by one or more entities on a particular property and shall include, but not be limited to: service, commercial, and industrial uses, Public Bodies, and fraternal, benevolent, education, and social organizations.

Business Complex: Business Complex shall mean one or more tenants as occupants of one or more properties that are operated in a coordinated fashion. In a Business Complex, tenants means, but is not limited to, retail shops, executive or administrative services, including medical clinics and accessory pharmacies, professional offices, and personal service establishments that perform services or conduct trade on the premises and similar uses.

City: The City of Madras, Oregon.

City Limits: The jurisdictional boundaries of the City as they presently exist or as they may be reconfigured in the future.

Clear Vision Area: Signs along roadways, when allowable, shall not exceed three (3) feet in height unless there is a clear visibility area of at least eight (8) feet in height between the bottom of the sign and the ground. Any support standards for the sign shall not interfere with the Clear Vision Area.

Community Development Director: The City's Community Development Director or his designee.

Directory Sign: A sign that indicates the name and/or address of the occupant, the address of the premises, and/or identification of any legal business or occupation which may exist at the premises.

Flush Mounted Sign: A sign attached or painted directly onto the exterior surface of a building and does not project outward from the wall or surface of the building more than 1 inch (1").

Freestanding Sign: A freestanding sign is a sign supported by one or more uprights or braces in the ground and detached from any building or structure. Freestanding signs include, but are not limited to, monument signs and pole signs.

Frontage: Frontage shall be defined as the length of the property line of any one parcel of property along each accessible street or other public right-of-way it borders.

Lighting Standards: The City's standards for lighting in specific zones contained in the City's Zoning Ordinance.

Monument Sign: A low profile freestanding sign that has a solid base at ground level that is equal to or greater than the width of the Sign Face, and which has no separation between the base and sign. A monument sign shall not exceed eight feet in height from ground level, including the base.

Non-Conforming Sign: A sign that was lawful when it was constructed, but does not meet the current requirements of this Ordinance. For purposes of evaluating non-conformity, the applicable date shall be the date a permit is issued, or if no permit is required, then the date a completed sign was erected.

Non-Residential Property or Zone: Properties designated as anything other than R-1, R-2, or R-3 on the City's Comprehensive Plan and Zoning Map as may be amended from time to time and also including properties in residential uses, but not within a Residential Zone.

Nuisance and Abatement Ordinance: City Ordinance No. 875 and any amendment or replacement thereof.

Off-Premises Sign: An Off-Premises Sign is a permanent sign, other than a Billboard, that contains a message unrelated to the business, profession, services, or activities conducted upon or adjacent to the premises on which the sign is located or adjacent premises.

Ordinance: This Ordinance No. 888

Owner: Any person, individual, Public Body, private entity, firm, partnership, LLC, joint venture, association, social club, fraternal organization, fraternity, sorority, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, who owns or leases a sign or, as applicable, the property on which a sign is located.

Planning Commission: The City's Planning Commission.

Pole Sign: A sign that is mounted on a freestanding pole(s) or other support so that the bottom edge of the Sign Face is clearly visible above grade.

Principal Sign: The primary permanent sign designed to identify or advertise a businesses, services, or facility located upon the property to motorists or pedestrians approaching the property. A "principal sign" is limited to a combination, freestanding, flush, or projecting sign.

Projecting Sign: A projecting sign is a sign other than a flush sign which projects beyond the building face to which it is attached.

Public Body: Any state, federal, county, or city agency, department, division, bureau, board and commission; any school district, special district, municipal corporation, and any board, department, commission, council, or agency thereof; and any other public agency or entity.

Public Property: Real property owned or controlled by any Public Body including public rights-of-ways.

Residential Property, or Zone: Properties designated as R-1, R-2, or R-3 on the City's Comprehensive Plan and Zoning Map as may be amended from time to time. Residential Zone does not include properties in residential uses in other zones or other zones in which residential uses are permitted.

Residential Sign: A sign erected in a Residential Zone that is less than four (4) square feet in Sign Area and is not illuminated.

Residential Use: The use of property for dwelling purposes.

Roof Sign: A sign mounted on the roof of a building.

Sidewalk Signs: Temporary Signs located on public right-of-way and adjacent to commercial uses in the C-1, C-2, and C-3 districts that comply with applicable standards in this Ordinance.

Sign: An outdoor sign, display, message, emblem, device, figure, poster, Billboard, or other thing that is used, designed or intended for advertising purposes or to inform or attract the attention of the public. The term includes the sign supporting structure, display surface, and all other component parts of the sign. When dimensions of the sign are specified, the term includes all portions or sides of the sign within the specified dimension or area. Sign does not include signage as reasonably necessary or required by any Public Body pursuant to any public law or regulation.

Sign Area: The sign area includes the area within the outermost perimeter enclosing the limits of lettering, writing, representation, emblem, figure, character and lighted surface, but excluding essential sign structure, foundations or supports. Where a sign is of a three-dimensional, round, or irregular solid shape, the largest cross-section shall be used in a flat projection for the purpose of determining sign area. When signs are constructed in multiple separate pieces the sign area is calculated by measuring the Sign Face of all the pieces once assembled. Structural supports bearing no sign copy shall not be included in the sign area. However, if any portion of the required structural supports become enclosed for decorative or architectural purposes, that portion will be included in the sign area.

Sign Face: The surface upon, against or through which the sign copy or message is displayed or illustrated.

Sign Height: The height of a sign is measured from the average level of the grade below the sign to the topmost point of the sign including any supporting structure.

Sign Structure: Any structure, or any portion of any structure, which is intended, designed or used to display a sign.

Temporary Sign: A sign that is temporarily attached to a building, structure, or property to advertise an event, business, or occurrence or is otherwise not intended to be permanent. Temporary Signs include, but are not limited to, sandwich-boards, banners, flags, pennants, balloons, blimps, streamers, lawns signs, and portable signs.

Uniform Building Code: All or any combination of the 2014 Oregon Structural Specialty Code, 2014 Oregon Electrical Specialty Code, 2014 Oregon Mechanical Specialty Code, 2014 Oregon Residential Specialty Code, and the 2014 Oregon Fire Code published by the International Conference of Building Officials, as the same may be amended from time to time or any successor code adopted by the Building Official.

Urban Growth Boundary: The urban growth boundary of the City as it presently exists or as it may be re-located in the future.

Zoning Ordinance: City Ordinance No. 864 and any amendment or replacement thereof.

ARTICLE 2: BASIC PROVISIONS

SECTION 2.1 SIGN ERECTION, REPAIR, ETC.

It is unlawful for any person to erect, repair, alter, relocate or maintain within the City, any sign or other graphic except as provided in this Ordinance.

SECTION 2.2 SIGN CONFORMANCE

All signs must be erected, altered, and maintained in conformance with this Ordinance, the Uniform Building Code, and all other applicable state and federal law. No sign shall stand on, protrude onto, or be anchored in right-of-ways or other public property without the written authorization of the public entity responsible for such property.

SECTION 2.3 PROHIBITED SIGNS

Except for nonconforming signs, the following signs are unlawful and are declared nuisances:

A. Abandoned Signs;

B. Video signs or other signs that display a moving image other than scrolling/flashing/changing text or numbers;

C. Electronic signs that flash, change colors, display a moving/changing (including scrolling/flashing/changing text or numbers), or would otherwise pose a distraction to motorists unless authorized to be located on public property;

D. Any sign constructed, maintained, or altered in a manner without a permit or otherwise in violation of this Ordinance;

E. Any sign constructed or maintained which, by reason of its size, location, movement, coloring or manner of illumination may be confused with or construed as a traffic control device/signage or which hides from view any traffic control device/signage;

F. Any sign constructed in such a manner or at such a location that it will obstruct access to any fire escape or other means of ingress or egress from a building or an exit corridor, exit hallway or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire or other emergency;

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

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

I. Any sign that is wholly or partially illuminated by a flashing or intermittent light, lights, lamps, bulbs, or tubes. Rotary beacon lights, zip lights, strobe lights, or similar devices shall not be erected or maintained, or attached to or incorporated in any sign;

J. Any sign located on private property within the Clear Vision Area;

K. Any sign attached to a tree, plant, or utility pole, except as otherwise allowed or required by applicable law;

L. Any sign within or over any public right-of-way (including banners spanning a public right-of-way), or located on private property less than two feet from any area subject to vehicular travel, except for signs, whether permanent or temporary, specifically allowed within the public right-of-way with the approval of the controlling jurisdiction.

M. Off-Premises Signs and signs not authorized within a right-of way by the controlling jurisdiction.

N. Roof signs.

O. Any other sign that is not allowed under this Ordinance, that presents a threat to public health, safety, or welfare, or is otherwise unlawful.

SECTION 2.4 SIGNS IN RESIDENTIAL ZONES

A. Residential Properties are limited to two (2) Residential Signs per property.

B. Notwithstanding Section 2.4(A), non-residential uses authorized by the Zoning Ordinance and residential structures comprised of five (5) or more independent dwelling units may erect additional signs as follows:

1. One or more wall mounted signs not exceeding one hundred (100) square feet. Signs authorized under this provision must be erected as a flush mounted wall sign as defined in this Ordinance.

2. One freestanding sign not exceeding one hundred (100) square feet in size.

3. The total area for all signage shall be limited to one hundred and fifty (150) square feet.

4. Signs shall not be back-lighted or electronic. Front light illumination is authorized where it does not project onto adjoining properties and is otherwise compliant with the City's Lighting Standards.

C. Property designated as common property on a plat or other deed restriction is deemed to be an authorized non-residential use for purposes of this Section 2.4.

D. Notwithstanding Section 2.4(B), only Residential Signs may be used to advertise Home Occupations, as that term is defined in the Zoning Ordinance.

SECTION 2.5 SIGNS IN NON-RESIDENTIAL ZONES

Signs in Non-Residential Zones shall meet the following standards:

A. The total area of all signs on the premises may not exceed three-hundred (300) square feet. Unless otherwise prohibited by this section, the maximum area shall be one-hundred fifty (150) square feet for any individual sign.

B. Freestanding signs in all non-Residential Zones are subject to the following restrictions.

FREESTANDING SIGNS				
ZONE	TYPE ALLOWED	NUMBER ALLOWED	MAXIMUM AREA	MAXIMUM HEIGHT
C-1	Pole or Monument	1 *	150 sq. ft.	20 ft.
C-2	Monument	1 *	32 sq. ft.	8 ft.
C-3	Pole or Monument	1 *	40 sq. ft.	20 ft.
NC	Pole or Monument	1 *	32 sq. ft.	20 ft.
Industrial	Pole or Monument	1 *	150 sq. ft.	35 ft.

* One freestanding sign shall be allowed per property except as allowed by Section 2.5(C) and Section 2.5(D), below.

C. For through-lots (properties that have frontage on opposite sides of the same block), two freestanding signs are permitted. The freestanding signs must be oriented towards opposite frontages.

D. A Business Complex under two acres in gross area, regardless of the number of individual properties comprising the Business Complex, shall only be permitted the amount of signage permitted for a single property. A Business Complex over two acres in gross area shall be permitted the amount of signage permitted for two properties, which may be distributed throughout the Business Complex regardless of internal property lines. These limitations apply regardless of the number of businesses, buildings, or properties that comprise the Business Complex.

E. Building Signs - Each building on a property shall be entitled to two (2) square feet of flush mounted or wall sign area per lineal foot of the building's width on the dominant façade, with a maximum of one-hundred fifty (150) square feet of signs or six percent (6%) of the linear measurement of the building's dominant façade, whichever is greater. This limitation applies regardless of the number of businesses that may occupy the building.

SECTION 2.6 PROJECTING SIGNS

Unless otherwise permitted by this Ordinance or by the Public Works Director, signs shall not encroach onto:

A. Adjoining properties;
B. A public right-of-way; or
C. Any Clear Vision Area.

SECTION 2.7 DIRECTIONAL SIGNS

Directional signs designed to be read by a person on the premises on which the sign is located and used to identify buildings/businesses/amenities or direct persons on the premises are limited to four (4) square feet in area and be no more than four feet (4') high if freestanding. If the sign is on the wall of a building, the directional sign shall be limited to four (4) square feet in area and located no more than eight (8) feet high.

SECTION 2.8 SIGN LOCATION

Except for Billboards, signs may not extend above the roofline, eave, or parapet wall of the building to which they are attached or of the tallest building on the premises (or closest building if the Property is vacant) if the sign is freestanding.

SECTION 2.9 BILLBOARDS

Billboards are allowed with certain limitations in specified Non-Residential Zones as identified in the Zoning Ordinance, but are prohibited in all Residential Zones. Billboards shall also be subject to the following regulations:

A. Limitation On The Total Number Of Billboards

The total number of Billboards located within the City Limits and Urban Growth Boundary shall be limited to eighteen (18). Signs lost or removed for any reason shall not be replaced until the total number of Billboards in the City Limits and Urban Growth Boundary is reduced to fourteen (14), which shall then become the maximum number of Billboards permitted thereafter.

B. Replacement Of Billboards

When the total number of Billboards within the City Limits and Urban Growth Boundary has been reduced in number to a total of fourteen (14), in accordance with subsection (A) above, Billboards may be replaced upon application by any person or entity possessing an appropriate State of Oregon permit, subject at all times to the maximum fourteen (14) sign number limitation.

No person or entity shall file an application for a new or replacement Billboard without proof of possession of a valid State of Oregon permit allowing placement of a Billboard within the designated City Limits and Urban Growth Boundary. New or replacement Billboards shall be permitted only as provided in subsection C below.

C. Maximum Size Limit For Replacement Billboard

The maximum size of each replacement Billboard sign, noted in Subsection B above, shall be two-hundred fifty (250) square feet per side.

D. Location of Billboards

No Billboards shall be permitted on 4th or 5th Streets between S.E. J Street and N.E. Cedar Street.

Only one Billboard is permitted per property.

No Billboard shall be located within 400 feet of another Billboard.

E. Height of Billboards

No Billboard shall exceed thirty-five feet (35') in height.

F. Features

Billboards may not feature video screens, reader boards, or other components that flash, change colors, display movement, or would otherwise pose a distraction to motorists

ARTICLE 3: TEMPORARY SIGNS

SECTION 3.1 GENERAL REQUIREMENTS

Temporary Signs shall not be restricted by content and shall not affect the amount or type of signage otherwise allowed by this Ordinance. Examples of Temporary Signs include, but are not limited to, non-permanent signs usually and customarily used to advertise real estate sales, political or ideological positions, garage sales, construction, or events. Temporary Signs may be erected and maintained in the City only in compliance with the following specific provisions:

A. No Temporary Sign shall be internally illuminated or be illuminated by an external light source primarily intended for the illumination of the Temporary Sign without a permit.

B. Temporary Signs may not be reflective, electronic, or contain any moving or flashing parts.

C. A Temporary Sign shall be attached to the site or constructed in a manner that both prevents the sign from being easily removed by unauthorized persons or blown from its location and allows for the easy removal of the sign by authorized persons.

D. Except as provided in this code, Temporary Signs shall not be attached to trees, shrubbery, utility poles or traffic control signs or devices.

E. No Temporary Sign shall be erected or maintained which, by reason of its size, location or construction constitutes a hazard to the public.

F. No Temporary Signs shall be allowed in the public right-of-way or on public property except as provided in Section 3.1(F)(a) below.

1. The following Temporary Signs shall be permitted in the right-of-way without issuance of a permit and shall not affect the amount or type of signage otherwise allowed by this Ordinance. No Temporary Sign permitted under this subsection shall interrupt the normal flow of vehicle, pedestrian or bicycle traffic, shall provide a minimum of five feet (5') of clear passage for pedestrians on a sidewalk where a sidewalk exists, and shall not inhibit the use of parking facilities. No Temporary Sign permitted under this subsection shall extend into a Clear Vision Area. Temporary Signs allowed under this subsection include:

    a. Signs owned or erected by the Public Body that owns or manages the right-of-way or Public Property;

    b. Sidewalk Signs subject to the following limitations:

        i. Sidewalk Signs shall be displayed only during the business hours of the responsible business, and

        ii. Sidewalk Signs shall occupy no more than four (4) square feet of right-of-way and shall be no taller than four (4) feet tall.

        iii. Sidewalk Signs placed elsewhere than directly adjacent to the business shall be placed only with the written consent of the property owner of the adjacent property.

        iv. No more than one Sidewalk Sign shall be permitted per business on a particular property except that one additional Sidewalk Sign shall be permitted per property for each 200 feet of street frontage.

Notwithstanding the foregoing, in no event may a property be associated with more than three (3) Sidewalk Signs.

G. Substantially similar Temporary Signs and those advertising the same event, which are erected sequentially, will be considered the same Temporary Sign for purposes of applicable temporal limitations.

H. Temporary Signs shall be removed within seven (7) days after the culmination of the event or purpose for which the Temporary Sign was erected regardless of any permitted time then remaining.

SECTION 3.2 TEMPORARY SIGNS IN RESIDENTIAL ZONES

Temporary Signs in Residential Zones shall be restricted as follows:

1. Temporary Signs not exceeding six (6) square feet in area or four (4) feet in height shall be permitted for a period of ninety (90) days.

2. Temporary Signs exceeding six (6) square feet in area and/or four (4) feet in height, but not exceeding twelve (12) square feet and/or six (6) feet in height shall be permitted for a period of thirty (30) days. No more than one such sign shall be permitted per property.

3. The maximum square footage of Temporary Signs on any particular Residential Property is 25 square feet.

SECTION 3.3 TEMPORARY SIGNS IN NON-RESIDENTIAL ZONES

Temporary Signs in non-Residential Zones shall be restricted as follows:

1. Temporary Signs not exceeding twenty (20) square feet in area or six (6) feet in height shall be permitted for a period of one hundred and twenty (120) days.

2. Temporary Signs exceeding twenty (20) square feet in area and/or eight (8) feet in height, but not exceeding thirty two (32) square feet and/or ten (10) feet in height shall be permitted for a period of sixty (60) days.

3. The maximum square footage of Temporary Signs on any particular Non-Residential Property is 250 square feet per acre with a minimum of 50 square feet and maximum of 500 square feet.

ARTICLE 4: EXEMPTIONS

The following signs are exempt from the permitting requirements of this Ordinance. All signs, even those exempt from permitting, must comply with sign dimensional, location, placement, maintenance, and all other applicable requirements.

A. Traffic or pedestrian control signs.

B. Signs erected or maintained by Public Bodies.

C. Flags. Flags mounted on a pole in the ground or on a building are exempt, but are subject to Zoning Ordinance height regulations and shall be located and constructed so that, if the pole should collapse, its reclining length would be contained on the property on which it is installed.

D. Signs placed in the public right-of-way by the Public Body responsible for administering the right-of-way or by a Public Body providing transit services within the right-of-way.

E. Plaques, tablets or inscriptions on buildings that do not exceed four (4) square feet in area.

F. Signs constructed to identify emergency services such as fire, police or hospital facilities.

G. Temporary Signs that comply with the provisions of Article 3.

H. Residential Signs.

I. Signs altered or erected pursuant to Section 6.1(C).

ARTICLE 5: SIGN PERMITS

SECTION 5.1 PERMIT APPLICATIONS

Unless exempt under Article 4, a permit issued by the Community Development Director is required to erect or alter any sign within the City Limits. Applications for a sign permit shall be made in writing upon forms furnished by the City and subject to applicable fees. Such applications shall include a scale drawing of the sign including dimensions, height and materials and show its relationship to the ground or to any building or structure to which the sign is proposed to be installed or affixed. When appropriate, a plot plan drawn to scale shall be submitted that indicates the location of proposed signage relative to street and property lines.

Prior to the issuance of a sign permit, the Building Official may review the construction aspects of the proposed sign and a building permit may be required. The Building Official or Community Development Director may require other pertinent information where, in their opinion, such information is necessary to determine compliance with the provisions of this Ordinance.

SECTION 5.2 ISSUANCE OF PERMIT

The Community Development Director shall approve an application and issue a sign permit unless the sign fails to meet the standards or is otherwise in violation of the provisions of this Ordinance. Sign permits mistakenly issued in violation of this Ordinance are void.

SECTION 5.3 PERMIT REVOCATION

The Community Development Director may revoke a sign permit if there was a material omission or misleading statement of fact in the application for the permit.

SECTION 5.4 PERMIT TIME RESTRICTIONS

A sign permit shall be null and void if all work necessary to erect the sign has not been completed within six (6) months of the date of issuance of the permit. The Community Development Director may authorize a single extension for up to an additional three (3) months if the applicant demonstrates significant progress or that the delay was the result of circumstances outside of the applicant's control. Otherwise, the applicant must apply for and obtain a new approval to erect the subject sign.

SECTION 5.5 TEMPORARY PERMITS

The Community Development Director may grant temporary permits for non-exempt Temporary Signs for a period of no more than thirty (30) days if the Community Development Director determines the sign will not present a risk to health, safety, or welfare and does not exceed applicable regulations for a comparable permanent sign. The Community Development Director may condition a temporary permit by any means necessary to achieve the objectives of this Ordinance. Applicants shall apply for a temporary permit on the forms prescribed by the Community Development Director.

ARTICLE 6: MAINTENANCE AND ENFORCEMENT

SECTION 6.1 EXISTING SIGN ALTERATION OR REPLACEMENT

A. Non-Conforming Signs shall not be altered or replaced unless the sign is made to conform to the provisions of this Ordinance, or otherwise allowed under Section 6.3, Sign Maintenance Requirements.

B. Premises with a Non-Conforming Sign shall not be eligible for any additional signs until the existing signs are made to conform to the requirements of this Ordinance.

C. Pole signs located in the Downtown Commercial (C-2) zone are permitted to change the business name and logo on existing pole signs so long as the use of a building does not change (i.e. retail to retail) without application for a new sign permit. A change in use of a building requires all signage to comply with all requirements of this Ordinance. A change of use shall be determined by the difference in the minimum number of required off-street parking spaces between the previous and proposed use as required in Table 4.5-1 Section 8-12.4.5 of the Zoning Ordinance. If there is a difference in the minimum number of required off-street parking spaces, it shall constitute a change of use for only the purposes Sign Maintenance Requirements of this Ordinance.

D. For signs subject to permitting requirements, changes to interchangeable panels or other alterations to the face of a sign shall also be subject to the permitting requirements in Section 5.1 above.

SECTION 6.2 DAMAGED SIGNS

Any sign that is damaged by over fifty-one percent (51%) of the replacement cost of the sign shall not be eligible for repair, but shall be immediately removed. Any replacement signs shall conform to the standards of this Ordinance and be subject to the same permitting requirements as if the sign were new.

SECTION 6.3 SIGN MAINTENANCE REQUIREMENTS

A. All signs within the City Limits shall be maintained in a secure and safe manner. Maintenance includes minor repairs necessary to maintain the sign in its original state.

B. Temporary and freestanding signs shall be kept clear of rubbish and weeds. All other signs shall be securely mounted to a structure. If any sign is found not to be securely mounted, or if it is a hazard, the Owner shall be notified and shall be instructed to secure the sign. An Owner shall secure the sign within ten (10) days of notice.

SECTION 6.4 PERMIT FEE SCHEDULE

The City Council shall establish, and from time to time revise, a permit fee schedule for all permits issued under this Ordinance. The fee schedule shall be reasonably related to the costs and expenses incurred by the City for administration of this Ordinance, and a minimum permit fee shall be established by the City Council.

SECTION 6.5 ENFORCEMENT; PENALTIES

Any violation of this Ordinance is hereby deemed a nuisance with each violation and each day that a violation persists constituting a separate offence. All violations shall be subject to the enforcement procedures, fine amounts, and penalties set out in the Nuisance and Abatement Ordinance. Violations may be enforced by Court proceedings or by any other remedy available to the City, in law or in equity, including, but not limited, to the filing of property liens and foreclosure thereof in the appropriate courts. For any violation of this Ordinance, the Owner and/or tenant of the property where the violation occurred may be cited to appear in court to answer a complaint filed on behalf of the City.

ARTICLE 7: VARIANCE

SECTION 7.1 AUTHORIZATION TO GRANT OR DENY VARIANCES

An applicant for a sign permit or an applicant owning or leasing a sign that is not in compliance with the provisions of this Ordinance may apply for a variance.

SECTION 7.2 APPLICATION FOR A VARIANCE

Applications for a minor or major variance, as those terms are defined in the Zoning Ordinance, from the provision of this Ordinance shall be processed in accordance with the procedures and criteria for a variance set out in the Zoning Ordinance.

ARTICLE 8: APPEALS

An interested party may appeal a final decision of the Community Development Director to the Planning Commission and/or a decision of the Planning Commission to the City Council by filing an appeal in the manner prescribed for appeals in the Zoning Ordinance. If the appeal is not appropriately filed, the decision shall be final. If an appeal is filed, the appropriate hearings body

shall conduct a public hearing and process the appeal in accordance with the procedures for an appeal set out in the Zoning Ordinance.

ARTICLE 9: MISCELLANEOUS

SECTION 9.1 SEVERABILITY; CORRECTIONS.

If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the City Council to cure editorial and/or clerical errors.

SECTION 9.2 RESTATEMENT

This Ordinance supersedes and replaces Ordinance No. 697 as amended by Ordinances No. 772, 783, 815, 818, and 854 and supersedes any ordinance, resolution, and/or policies, or any provision thereof, in conflict with the amendments. The provisions of other City ordinances that are not amended or modified by this Ordinance remain unchanged and in full force and effect.

SECTION 9.3 EMERGENCY CLAUSE

It is hereby determined and declared that existing conditions are such that it is necessary for the immediate preservation of the peace, health, general welfare, and safety of the City that an emergency be declared to exist; therefore this Ordinance shall be in full force and effect immediately upon and after its passage by the Council and approval by the Mayor of the City of Madras, Oregon.

PASSED by the Council and signed by the Mayor on May 24, 2016.