

BEFORE THE BOARD OF COMMISSIONERS

MULTNOMAH COUNTY, OREGON

Ordinance No. 346

An Ordinance establishing a moratorium on the granting of permits for the construction of outdoor advertising sign structures during the pendency of new sign regulations; and declaring an emergency.

Multnomah County ordains as follows:

SECTION 1. FINDINGS

- A. Multnomah County Code Sections 11.15.8605 through 11.15.8645, concerning the regulation of off-premise outdoor advertising signs, have been declared invalid by the United States District Court. The effect of the court decision is to leave the County without any regulatory standards over such advertising signs.
- B. The Board has requested the Planning Commission to create a citizen advisory committee to study and prepare alternative measures and report to the Board by September 30, 1982.
- C. The advisory committee has met twice weekly since August 13, 1982. A draft ordinance has been prepared and will be considered by the Planning Commission on September 27, 1982.
- D. Since publication of the federal court decision, a number of firms engaged in the outdoor advertising business have applied for permits for new outdoor advertising signs in Multnomah County. During the pendency of a new ordinance reflecting Board policy concerning outdoor advertising, it would be against the public interest to allow these permits to be issued. There is already a substantial number of outdoor advertising signs in the County; allowance of new signs should be governed by ordinance.
- E. The Board plans to hold public hearings to consider and act on the recommendations referred to above as soon as the recommendations are received. In the interim, the status quo as to the number, size, spacing and locations of outdoor advertising signs should be maintained.

- F. The County Executive has caused counsel to file a Notice of Appeal in Ackerley Communications, Inc. v. The City of Salem, Defendant, County of Multnomah, Intervenor, and that appeal is now pending in the United States Court of Appeals for the Ninth Circuit. Further pursuit of that appeal will expose Multnomah County to the risk of additional claims for attorneys' fees. To incur that risk during the pendency of a new ordinance is contrary to public interest and contrary to the policy of the Board of County Commissioners.

SECTION 2. MORATORIUM

- A. A moratorium on the granting of permits for the construction of new off-premise outdoor advertising signs is hereby declared. The moratorium shall be effective upon Multnomah County filing an expedited motion for dismissal of its appeal in Ackerley Communications, Inc. v. The City of Salem, Defendant, County of Multnomah, Intervenor, Civil No. FR-75-733, CA #82-3545.
- B. This moratorium, if it becomes effective, shall terminate upon the occurrence of any one of the following events, whichever first occurs:
1. Sixty days after the date it becomes effective.
 2. The filing by or on behalf of Multnomah County of any motion or document requesting the United States Court of Appeals for the Ninth Circuit to allow Multnomah County to withdraw the motion for dismissal required by Section 2 A above to make this moratorium become effective.
- C. The purpose of this moratorium is to prevent the construction of new, off-premise outdoor advertising sign structures pending adoption by the County of a new ordinance. It is intended that the moratorium apply only to permanent outdoor advertising sign structures. Temporary signs such as lawn signs or other signs temporarily erected on property are not governed by this moratorium.

SECTION 3. SEPARABILITY

No portion of this ordinance shall be separable. If any provision of this ordinance should be declared unlawful, then the entire ordinance shall fail.

This ordinance being necessary for the health, safety, and general welfare of the people of Multnomah County and in order to prevent the construction of new outdoor advertising sign structures

during the pendency of new legislation, an emergency is declared to exist. This ordinance shall take effect immediately upon its adoption by the Board of County Commissioners and authentication by the County Executive.

ADOPTED this 7th day of October, 1982.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

(SEAL)



Caroline Miller, Presiding Officer

AUTHENTICATED this _____ day of _____, 1982.

Donald E. Clark, County Executive

APPROVED AS TO FORM



Larry Kressel
Deputy County Counsel



MULTNOMAH COUNTY OREGON

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DONALD E. CLARK
COUNTY EXECUTIVE

BOARD OF
COUNTY COMMISSIONERS
1982 OCT 1-8 AM 9:51
MULTNOMAH COUNTY
OREGON

October 8, 1982

To the Board of County Commissioners
Multnomah County, Oregon

STATEMENT OF OBJECTIONS

TO

ORDINANCE 346

On Thursday, October 7, 1982, the Board of County Commissioners of Multnomah County approved Ordinance 346. This ordinance would institute a limited, 60-day moratorium on the construction of new billboards on the condition that the County withdraw its appeal of a Federal court ruling which invalidated Ordinance 98, the County's long-standing policy to ban commercial billboards.

As County Executive, and by the powers vested in me under Section 5.40 of the County Home Rule Charter, I hereby veto Ordinance 346 and return it to you unsigned.

My reasons for objecting to Ordinance 346 are as follows:

1. Ordinance 98 is County policy unless it is repealed and replaced. Therefore, it is the duty of the Administration to pursue its implementation. Both the appeal to the 9th Circuit Court of Appeals and the moratorium on new construction are necessary actions.
2. Ordinance 98 protects the public against unsightly commercial outdoor advertising signs and the deleterious impact of such signs on unincorporated Multnomah County. I strongly believe that the County's policy to ban billboards should continue.
3. If the Board wishes to change County policy, it should do so affirmatively by repealing Ordinance 98 and replacing it with an acceptable new ordinance. Ordinance 346 represents a devious effort to undermine existing policy before any

new policy is established.

4. If the Board wishes to maintain the existing policy, it can do so by simply making the minor language changes recommended by County Counsel to satisfy the concerns of the court, or by supporting — not impeding — the appeal process.
5. Ordinance 346 exposes the public to unacceptable risks. Because Ordinance 98 has not been amended nor has any new policy been enacted, both an immediate moratorium and the court appeal are essential. Sacrificing one for the other serves the interests of the billboard industry over the broad public interest.

The Administration is compelled to protect the public interest by vetoing this ordinance, continuing the appeal in the U.S. Court of Appeals and asking once again for a moratorium on the unregulated construction of new billboards.

Since 1975, the policy of Multnomah County has been to remove billboards from the community. That was sound policy then, it is sound policy now. If the Board wishes to change the policy, it should not hide behind the court case with an attempt to undermine the appeal. It should repeal Ordinance 98 and replace it.

It is the intention of the Administration to continue this appeal, whether or not the veto of Ordinance 346 is sustained. It is my hope that the Board will enact a clear, unconditioned moratorium until the appeal is decided or until other acceptable public policy is adopted.

The County must act in good faith to preserve the public's option to ban billboards in unincorporated Multnomah County and to assure the public that any change in policy will occur in a forthright public process. The very intent of Ordinance 346 violates those principles.

Donald E. Clark
County Executive