

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1109

Amending MCC Chapter 29 to Establish Special Bridge Lighting Permit Program and Fees

The Multnomah County Board of Commissioners Finds:

- a. In February 2007 an architectural LED lighting system designed by Willamette Light Brigade was installed illuminating the main span piers on both sides of the Morrison Bridge.
- b. The LED lights can be programmed to cast a wide variety of colors. Special lighting color schemes add variety to the night skyline and build community spirit and pride.
- c. This proposed ordinance will provide for special bridge lighting color scheme displays on the Morrison Bridge and establish a fee and permitting procedures for qualified organizations to request this service.
- d. The Board is concurrently adopting a resolution establishing a Special Bridge Lighting Committee (Committee).

Multnomah County Ordains as Follows:

Section 1. MCC Chapter 29 is amended to add the following sections:

§ 29.725 TITLE.

This subchapter will be known as the Special Bridge Lighting Ordinance.

§ 29.726 POLICY AND FINDINGS.

To enhance and enliven the celebration of community events, the County desires to use its special below deck lighting systems on the County controlled and operated bridges that span the Willamette River (in the City of Portland) for color scheme displays. This Ordinance establishes a permit procedure whereby qualified organizations may apply to the County to request particular color scheme displays on the bridges so equipped with special lighting systems. By adoption of this Ordinance the County is not granting any use, right or privilege with respect to its lighting systems or bridge operations to any party, including but not limited to the Permittees under this Ordinance or third parties.

To facilitate this special use and defray the cost for maintenance and operation of such lighting systems on the County bridges, the County will impose a fee. A below deck LED lighting system has been installed as an architectural feature of the Morrison Bridge. Multnomah County retains sole control of this system. At the time of the adoption of this Ordinance, the Morrison Bridge is the only bridge with such a lighting system.

§ 29.727 DEFINITIONS.

QUALIFIED ORGANIZATION. A non-profit, educational or for profit organization that is in compliance with the State of Oregon's non-discrimination policy as provided in ORS Chapter 659A as effective January 1, 2008.

§ 29.728 PROCEDURES.

(A) Any qualified organization may request a special bridge lighting color scheme display for an event or celebration that is educational or beneficial to the community by submitting an application to the County Permits Office.

(B) Upon request, information will be provided to applicants about the lighting system, its limitations and sample color choices.

(C) Seasonal lighting color schemes will be used when there is no special lighting color scheme in place. The County will implement annual color schemes without charge including, but not limited to:

- (1) Valentine's Day (red and magenta: February 14 only)
- (2) Rose Festival (pink: two weeks in June)
- (3) Fourth of July (red and blue: week leading up to & including July 4)

(D) Requested bridge lighting color schemes may be in place for no more than two weeks including the week prior to and including the event or celebration.

(E) Applications under this subchapter must include the following information:

(1) Name and address, phone number; (email address if available) of the organization applying;

(2) The event or celebration the special lighting is to coincide with and a written explanation of its educational or community benefit;

(3) The specific date or dates requested (total time cannot exceed the two week limit);

(4) First, second and third color choices or combinations;

(5) An affirmative statement of compliance with the State's nondiscrimination policy as provided in ORS Chapter 659A;

(6) The source(s) of the income to the applicant and the signature of organization's representative; and

(7) The requisite fee included with the application.

(F) Review of Applications.

(1) Applications with the applicable fee will be reviewed for compliance with MCC 29.728 (E) in the order received and must be received by the County Permits Office no later than June 1st of the preceding year for all events to be scheduled or to happen in the following calendar year.

(2) Upon receipt of the completed application(s); the County Permits Office will forward the application to the County's Bridge Shop for technical review. The Bridge Shop shall have five business days to complete any technical review of the application and shall immediately forward its review or comments to the County Permit Office.

(3) Upon completion of the technical review; the County Permits Office shall forward copies of all applications for which the Bridge Shop's technical review authorized to proceed to the County Chair's Office and to the Special Bridge Lighting Committee (Committee) by email. The email shall be sent to the Committee's designated representative. The Committee shall have until the July 1st immediately following the receipt of the email applications from the County Permits Office to email any recommendations and comments with respect to any of the pending applications to the County Chair.

(4) The Chair may consider any recommendations, comments or objections of the Committee; but the decision whether to grant the application is solely in the discretion of the Chair regardless of any recommendations, comments or objections of the Committee or any other party. The Chair shall have until the August 1st immediately following the Chair's receipt of the applications to approve, modify or reject any applications. The Chair's Office shall notify the Permits Office by August 1st of its decision, and the Permits Office will notify the applicants of the Chair's decision.

(5) In the event of a dispute with respect to the timeline for submission of an application between otherwise qualified entities, the Chair will make a final determination on the applications.

(6) Applications for Special Lighting Permit submitted in conjunction with an application for a Special Event Permit under MCC 29.701, will be determined as part of the Special Events Permit and will not require a separate application under this subchapter.

(7) The County reserves the right at any time in its sole discretion to reject any application for any proposed light display that would have the effect of alarming, threatening, or offending a reasonable person.

(8) Requests by applicants for any waiver of the timelines imposed herein shall be submitted to the Chair. The County Chair may waive any timeline that is imposed herein on the applicant for good cause shown, including but not limited to unexpected sporting event celebrations or similar type of events. If the Chair grants a timeline waiver, the Chair shall have discretion to direct the County Permits Office; the Bridge Shop and the Committee how to proceed with the application review on a shorter or different time schedule than otherwise provided herein. Provided that for any applicant granted a waiver by the Chair with respect to an application under this subsection (8), such application shall still be subject to all other review and requirements under this subchapter.

§ 29.729 Special Bridge Lighting Application Fee, Deposit and Refund.

The Board will establish a special bridge lighting application fee and minimum deposit toward the fee by resolution. The minimum deposit will be required with all applications. The County may charge additional funds depending on the complexity of the requested bridge lighting display; the length of the requested display period; and the necessary time of County staff to evaluate and implement the requested display. If the County rejects an application the County will refund to the applicant the deposit or other funds submitted to date, but subject to any administrative costs and staff time costs incurred by the County prior to the rejection of the application.

FIRST READING:

January 31, 2008

SECOND READING AND ADOPTION:

February 7, 2008



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
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SUBMITTED BY:

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