

(Underlined sections are new or replacements; [bracketed] sections are deleted.)

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 376

An ordinance amending Chapters 11.15.8605 of the Zoning Ordinance to provide for an off-premise advertising sign structure permit process, establishing certain fees, correcting a typographical error, and declaring an emergency.

Multnomah County ordains as follows:

SECTION 1. FINDINGS

1. On February 2, 1983, the Board adopted Ordinance 365, a zoning ordinance amendment regulating the location of off-premise advertising sign structures.
2. Certain amendments to that ordinance are necessary in order to accurately reflect Board intent and to correct typographical errors.
3. Amendments of the fee provisions of Ordinance No. 365 are necessary to clarify that the ordinance establishes an administrative permit system and is not intended as a revenue measure (annual license ordinance). The scheduled fees were intended only to be adequate to cover the cost of administering the ordinance. These amendments carry out this intent.
4. A number of amendments of the exemption provision of Ordinance No. 365 are also necessary. The exemption for non-commercial signs in Section .8639 was intended to parallel an introductory finding in the ordinance, but was not correctly typed. The phrase "non-profit" was incorrectly substituted for the word "non-commercial." This amendment corrects that error. The Board intends its ordinance give protection to non-commercial signs in a manner which equals or exceeds the protections set forth in the U.S. Supreme Court's *Metromedia v. San Diego* decision.
5. An amendment is also necessary to make clear that the provisions of Ordinance No. 365 are intended to govern, in the event of apparent inconsistency with other existing zoning district provisions, such as the provisions limiting the allowed uses in each district. The original provision in Ordinance No. 365 requiring compliance with other applicable requirements, could have been misinterpreted to allow inconsistent provisions to govern. This was not intended. Rather, what was intended was that signs also comply with other codes, such as the building code, and other ordinances, such as the nuisance ordinance.

6. Finally, an amendment along the same lines as stated in Finding 5, above, is necessary to make clear that the design review provision of the zoning code were not intended to be applicable to Ordinance No. 365 because that ordinance itself contains design standards, e.g., standards pertaining to sign location, size and spacing.

SECTION 2. AMENDMENT

Section 1, Findings, F., of Ordinance No. 365, is amended to read as follows:

- F. This ordinance is not intended to restrict non-commercial, [non-profit] outdoor advertising such as signs displaying political, educational, philosophical, social or public-service messages. The ordinance shall be liberally interpreted to permit this form of communication.

SECTION 3. AMENDMENT

MCC 11.15.8611(A),(B) is amended to read as follows:

.8611 Sign Combinations; Design Features.

- (A) A single-faced sign is one sign for calculating sign area, spacing and setbacks under MCC .8615 and .8619, or for purposes of [registration,] fees and [licenses] permits under MCC .8637.
- (B) A double-faced or V-shaped sign is one sign for calculating spacing and setbacks under MCC .8615, and two signs for the purposes of measuring sign area under MCC .8619, or [of registration,] for fees and [licenses] permits under MCC .8637.

SECTION 4. AMENDMENT

MCC 11.15.8613(A)(1) is amended to read as follows:

.8613 Sign Spacing.

- (A) The minimum distance between any two off-premise advertising sign structures shall be 500 feet as measured on one side of the street.
- (1) The minimum distance between any two off-premise advertising sign structures shall be 150 feet[.] on opposite sides of the same street.

SECTION 5. AMENDMENT

MCC 11.15.8631(C) is amended to read as follows:

- (C) The owner of signs described in subpart (A) above, shall file with the Director, within ten months of the ordinance effective date, a schedule for compliance of such signs with the provisions of subpart (A). The schedule shall include all of that owner's signs and the nature of required compliance, as [certified] specified by the Director in the response to the sign [registration] permit provisions of MCC .8637(A).

SECTION 6. AMENDMENT

MCC 11.15.8637 is amended to read as follows:

.8637 Sign [Registration] Permits[; Licenses]

- (A) On or before May 16, 1983, the owner of an off-premise advertising sign structure previously established shall make permit application [to register] with the Department of Environmental Services, on forms provided for the purpose.
- (1) The information shall include those items necessary to the administration and enforcement of MCC .8605 through .8645.
- (1) Within 45 business days of the receipt of the [registration] permit application described herein, the Director shall either [certify or reject registration. The reasons for any rejection shall be stated in writing.] issue a permit, or
- [(3) For a certified registration, the Director shall] specify in writing, the nature of any non-compliance with the provisions of MCC .8605 through .8645. Such specification shall be used by the owner in filing the schedule of compliance under MCC .8631(C).
- (3) [(4)] The owner may appeal the Director's [certification specifications or rejection] decision to the Planning Commission under MCC .8290 and .8295, within 60 days thereof.
- (4) [(5)] An off-premise advertising sign structure [registration] permit application shall be accompanied by the [license] fee specified by MCC .8637(C)(1).

[(6) A certification of registration shall be revoked upon a finding by the Director that the sign fails to satisfy the applicable requirements of MCC .8605 through .8645. The registered owner shall be notified promptly in writing of such revocation and the reasons therefor.

(a) No portion of a license fee paid under MCC .8637(C)(1) shall be refunded in the event of such revocation. Reinstatement shall require payment of an additional license fee.]

(5) [(7)] The Director shall maintain a current file of [registered] permitted off-premise advertising sign structures, shall add newly permitted signs to it, shall remove those [registrations] permits no longer applicable, and shall notify an affected sign owner of any changes in the status of [registration.] the permit.

(B) An off-premise advertising sign structure permit shall be required prior to the location, relocation, construction or reconstruction of an off-premise advertising sign structure, or addition of an advertising sign face or display surface.

(1) The permit application shall be made on forms provided by the Director, and shall include the information necessary to determine compliance with the applicable requirements.

(2) The Director shall promptly issue the permit if the applicable requirements are satisfied and the [license] fee specified in MCC .8637(C)(1) is paid[, and shall enter the appropriate certificate of registration].

(3) In the event the applicable requirements are not met, the Director shall deny the permit and so notify the owner with written reasons for the denial.

(4) Where permit denial is based upon failure to comply with the requirements of MCC .8605 through .8645, the owner may appeal the denial to the Planning Commission under MCC .8290 and .8295.

(5) The permit requirements of this subsection do not apply to changes in advertising messages or the addition or removal of a cutout.

(C) Each off-premise advertising sign structure shall be maintained subject to [an annual off-premise advertising sign structure license.] the permit specifications.

- (1) The fee for such [license shall be set by the Director, with the approval of the Board of Commissioners, and] permit set forth below shall be due and payable upon [initial registration or permit issuance and thereafter on the first day of January each year.] application.
 - (a) \$.50 per square foot for a sign area of less than 100 square feet, and
 - (b) [~~\$.75~~] \$.60 per square foot for a sign area of 100 square feet or greater.
- (2) [Each] The second or additional face or display surface of a double-faced or V-shaped sign shall be subject to [the license and] a fee [requirements specified in this subpart.] of \$0.10 per square foot when constructed under permit with the first face.
- [(3) The license fee shall be pro-rated to the full month for each full or partial month remaining in a calendar year.]
- (3) [(4)] In the event an owner fails to apply for [registration] a permit as required by MCC .8637(A), the [license] fee shall be three times the amount specified in (C)(1) above.
- (4) [(5)] Payment of the required [license] fee shall be a prerequisite to the issuance of a sign permit.
- (5) [(6)] Revenue from [license] fees shall be used to offset the costs of administration and enforcement of MCC .8605 through .8645, [and for such other purposes as the Board may determine in the budget approval process.] and may be adjusted from time to time as determined by the Board.

SECTION 7. AMENDMENT

MCC 11.15.8639(A) is amended to read as follows:

.8639 Exemptions; [Other Requirements]

- (A) Nothing in MCC .8605 through .8645 or any other provision of MCC 11.15 shall restrict [non-profit] non-commercial outdoor advertising such as signs displaying political, educational, philosophical, social or public service messages. The ordinance shall be liberally interpreted to permit this form of communication.

- (B) Nothing in MCC .8605 through .8645 shall apply to a public sign.
- (C) Nothing in MCC .8605 through .8645 shall apply to a bench advertising sign located in a public right-of-way.
- (D) [An off-premise advertising sign structure shall comply with the applicable requirements of other codes and ordinances.] This ordinance is intended to supersede any conflicting or inconsistent provisions concerning off-premise advertising sign structures contained in MCC 11.15. Furthermore, off-premise advertising sign structures are not subject to the provisions of .7805 through .7865 (Design Review).

SECTION 8. AMENDMENT

MCC 11.15.8641 is amended to read as follows:

.8641 Community Group Participation.

The adopted views and recommendations of affected community planning groups shall be solicited and considered with special regard to the following:

- (A) The status of sign maintenance and compliance with other provisions of MCC .8605 through .8645.
- (B) An application for removal of a tree in the placement of an off-premise advertising sign structure under MCC .8617(D)(1); and
- [(C) The allocation of unencumbered revenues from commercial advertising sign license fees; and]

(C) [(D)] Any proposals for amendment of MCC .8605 through .8645.

SECTION 9. An emergency is declared to exist, and this ordinance shall take effect on the date that it is signed by the County Executive.

ADOPTION

This ordinance being necessary for the health, safety and general welfare of the people of Multnomah County, shall take effect on May 2, 1983, according to Section 5.50 of the Charter of Multnomah County.

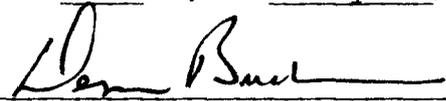
ADOPTED this 28th day of April, 1983, being the date of its second reading before the Board of County Commissioners of Multnomah County, Oregon.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON

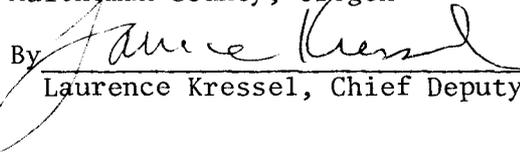
By 
Gordon Shadburne, Presiding Officer

Authenticated by the County Executive on the 2nd day of May,
19 83.


Dennis Buchanan, County Executive

APPROVED AS TO FORM:

JOHN B. LEAHY, County Counsel for
Multnomah County, Oregon

By 
Laurence Kressel, Chief Deputy