# Sign Permit Application Part 1

***Submittal Requirements:*** *Complete application requirements listed below. Check the appropriate box as you include it in your application. A complete application includes this form, a Building Permit Application Form (if applicable), and* ***two (2) copies drawn on a sheet not less than 8-1/2" x 11" suitable for reproduction for staff review.*** *Sign permits shall be reviewed for consistency with Ordinance No. 483 (Sign Code), Building Code, and all other applicable City Codes and Ordinances.*

## Application Type: (check one)

☐ New Sign ☐ Alteration ☐ Graphic/Mural
☐ Face Change only ☐ Temporary ☐ Other: _____

Describe work:

# New signs _____ # Existing Signs _____ Total # of signs on property _____ Date to Install/ Remove: _____

## Permit History: (check one)

☐ Permitted under old Sign Code (Ord. 448)
Date: _____

☐ Existing Sign upgrade
☐ No permit history
☐ Other: _____

Documentation: _____

## Applicant Information

Property Owner _____ Phone _____

Applicant Name _____ Phone _____

Mailing Address _____ Email _____

Sign Installer (if different from applicant) _____ Phone _____

## Site Information

Street Address _____ Creswell, OR

Map & Tax Lot # _____ Total area (sq feet) _____

If more than one lot, please list additional Tax Lot #'s

Map & Tax Lot # _____ Total area (sq feet) _____

List materials used:

## If applicable: (must complete Part II: Building Permit Application)

| | | | | | |
|---|---|---|---|---|---|
| Illumination | ☐ | Internal | ☐ External | ☐ | Not Applicable |
| Foundation/footing construction | ☐ | Yes | | ☐ | Not Applicable |
| How is the sign affixed? | ☐ | To building | | | |
| | ☐ | To a pole | | | |
| | ☐ | Other | | | |

## Sign Proposal

Site plan (to scale)/Photo with measurements indicating:

- ☐ Property Lines, easements, streets, sidewalks, vision clearance areas, and north arrow
- ☐ Map showing location, size, and type of all ***existing*** signage on-site.
- ☐ Proposed Sign (including all faces, attachment, weight, and construction detail)
- ☐ Map showing location, size, and type of all ***proposed*** signage on-site.
- ☐ Building Elevation Area of wall or frontage where sign is to be installled (including height of building and length of building frontage)
- ☐ Structural and/or electrical details of construction required for sign type by Oregon Building Code.

I certify that I am the owner of the property described above (or) the owner(s) authorized agent and I have been given express permission by the owner(s) of the property to submit this application for permit and that I am authorized by the owner(s) of this property to perform the work for which the application is made and I comply with the requirements of the Oregon State Contractors Act. I certify that to the best of my knowledge, the information submitted in support of this permit application is true and correct. I certify that I will comply with all applicable City of Creswell, State, and Federal regulations and laws pertaining to the work authorized by the issuance of a permit. I understand that issuance of this permit does not remove the owner's responsibility for compliance with State or Federal laws regulating construction, land use, or environmental laws.

**Signature of applicant:** _____ **Date:** _____

**Print Name:** _____

## FOR OFFICE USE ONLY

Reviewed by: _____ Date: _____

Recommendation: ☐ Approve ☐ Not Approve

_____
PLANNING STAFF

I heareby authorize the permit for signs described by this application.

_____
CITY ADMINISTRATOR

**City of Creswell**
**Ordinance No 483**

AN ORDINACE ESTABLISHING A SIGN CODE FOR THE CITY OF CRESWELL AND REPEALING ORDINANCE 482, AN ORDINANCE ESTABLISHING A SIGN CODE FOR THE CITY OF CRESWELL

WHEREAS the City wishes to establish rules regarding signage within the City Limits of Creswell; and
WHEREAS the City met with interested parties including business owners who expressed interest in updating the existing state of signage throughout the City of Creswell; and
WHEREAS the City consulted with its legal counsel in the preparation of this ordinance; and
WHEREAS it is our intent to hereby repeal Ordinance 448 with the passage of this ordinance;

NOW, THEREFORE, the City Council ordains as follows:


| | |
|---|---|
| 010 | Title |
| 020 | Purpose |
| 030 | Definitions |
| 040 | General Requirements |
| 050 | Sign Regulations for Residential Sign District |
| 060 | Sign Regulations for Commercial and Industrial Sign District |
| 070 | Prohibited Signs |
| 080 | Exemptions |
| 090 | Temporary Signs |
| 100 | Permits |
| 110 | Appeal |
| 120 | Construction and Maintenance |
| 130 | Inspection |
| 140 | Enforcement |
| 150 | Non-conforming Signs |
| 160 | Variance |
| 170 | Violation |
| 180 | Penalties |
| 190 | Severability |
| 200 | Limitation of Liability |
| 210 | Repeal |

## Section 010 Title

This Ordinance may hereafter be known and designated as the "Sign Code."

## Section 020 Purpose

The purpose of this Sign Code is to:

1. Protect the health, safety, property and welfare of the public;
2. Enhance the economic and aesthetic values in the City of Creswell;
3. Provide a neat, clean, orderly and attractive appearance of the community;
4. Improve the effectiveness of signs;
5. Provide for the safe construction, appropriate placement, erection and maintenance of signs;
6. Prevent proliferation of signs and sign clutter to minimize adverse impacts on visual safety factors for travelers on public ways and on private areas open to public travel;
7. Outline appropriate methods for the City of Creswell to communicate in good faith with responsible parties to assure compliance with this guidance; and
8. To achieve these purposes in a manner consistent with state and federal constitutional limits on the regulation of speech.

The above purposes will be met by regulating the size, height, number, location, type, structure, design, lighting, and maintenance of signs.

## Section 030 Definitions

**A-Frame Sign.** A double-faced temporary sign composed of two sign boards attached at the top and separate at the bottom, not permanently attached to the ground (also known as a "sandwich board sign.")

**Abandoned Sign.** A sign or sign structure where:

A. The sign is no longer used by the person who constructed the sign. Discontinuance of sign use may be shown by cessation of use of the property for at least six (6) months where the sign is located; and/or
B. The sign has been damaged, and repairs and restoration are not started within ninety (90) days of the date the sign was damaged, or are not diligently pursued, once started.

**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.

**Awning.** A shelter projecting from and supported by the exterior wall of a building constructed of rigid or non-rigid materials on a supporting framework.

**Awning Sign.** A sign attached to or incorporated into an awning. An awning sign is one type of wall mount sign.

**Balloon Sign.** A sign consisting of a membrane that relies on internal gaseous pressure or a semirigid framework for maintaining its form.

**Banner.** A sign made of fabric or other non-rigid material with no enclosing framework.

**Bed and Breakfast.** See Home Occupation.

**Billboard.** A sign on which any sign face exceeds two hundred (200) square feet in area.

**Blade Sign.** A type of projecting sign mounted on a building facade or storefront pole or attached to a surface perpendicular to the sign's surface and to the normal flow of traffic.

**Building Elevation Area.** The area of a single side of a building, measured in square feet and calculated by multiplying the length of the side of the building by the height of the building to the roof line. If the roof line height varies along the side of the building, the average of the lowest and highest roof line height on that side shall be used in the calculation.

**Building Frontage, Primary.** The ground floor lineal length of a building wall that faces a public right-of-way, driveway, parking lot, courtyard or plaza and has an entrance or exit open to the general public.

**Building Frontage, Secondary.** The ground floor lineal length of a building wall that faces a public right-of-way, driveway, parking lot, courtyard or plaza.

**Building Official.** The building official or his or her designee.

**Bulletin Board/Reader Board.** A permanent sign providing information in a horizontal linear format, that can be changed either manually through placement of letters or symbols on tracks mounted on a panel, or electronically, through use of an array of lights in a dot matrix configuration, from which characters can be formed.

**Business Complex/Integrated Business Center.** A group of two or more businesses designed as a center or share common off-street parking are or access, whether or not the businesses, buildings, or land are under common ownership.

**Civic Development.** Development housing civic uses such as colleges and other institutions of higher learning; community services such as those of public, nonprofit, or charitable nature which provide local service to people of the community. (Examples include city hall and similar governmental development, libraries, museums, community centers, ambulance stations, and social service facilities.)

**City Administrator.** The City Administrator or his/ her designee.

**Charitable/Civic signs.** Signs erected by organizations classified as not-for-profit, exempt under section 501(c)(3) of the Internal Revenue Code.

**Community Event.** An activity or event sponsored by a non-profit organization or public agency for 14 calendar days or less and includes, but is not necessarily limited to, school carnivals, benefit dinners, concerts, bazaars, festival, or neighborhood fairs.

**Directional Sign.** An on-premise sign designed to direct an interested party to an office, entrance, exit, telephone or similar place, service or route, such as "One Way," "Entrance" or "Exit."

**Directory Sign.** When two or more businesses combined their signs into one freestanding sign for an integrated shopping center in which said businesses are located.

**Electronic Display.** A display created by light emitting diodes, liquid crystal displays, plasma displays panels, pixel or sub-pixel technology, or other similar technology. This may take the form of a changing image/message sign, flashing sign, or a video sign. As used in this Ordinance, electronic displays perform functions including but not limited to:

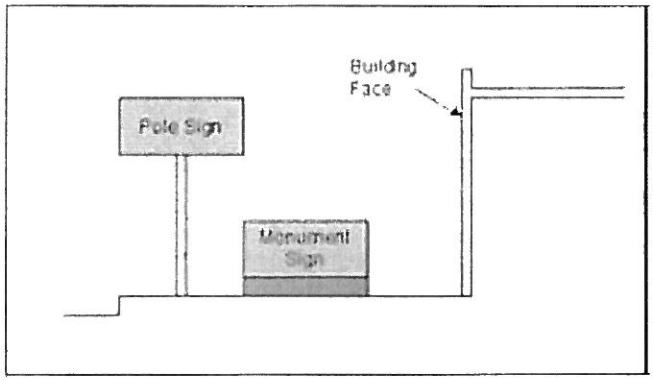
1. Dissolve: the changing of an electronic display by means of varying light intensity or pattern, where one display gradually appears to dissipate or lose legibility simultaneously with the gradual appearance and legibility of subsequent display.
2. Fade: the changing of an electronic display by means of varying light intensity, where one display gradually reduces intensity to the point of being illegible or imperceptible and the

subsequent display gradually increases intensity to the point of being legible or capable of being perceived.

3. Scrolling: the changing of an electronic display by the apparent vertical movement of the visual image, such that a new visual image appears to ascend and descend, or appear and disappear from the margins of the sign in a continuous or unfurling movement.
4. Static display: an electronic display which does not change.
5. Travel: the changing of an electronic display by the apparent horizontal movement of the visual image.
6. Video display: providing an electronic display in horizontal or vertical formats to create continuously moving images.

**Flag.** A sign made of fabric or other similar non-rigid material supported or anchored along only one edge or supported or anchored at only two corners. If any dimension of the flag is more than three times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported. See also Banner.

**Freestanding Sign.** A sign wholly supported by integral pole(s), post(s), or other structure or frame, the primary purpose of which is to support the sign and connect it to the ground. Examples include ground mount, monument and pole signs. A freestanding sign does not include portable signs.




**Grade.** The average level of the ground measured five feet from either end of the base of the sign, parallel to the sign face. If the sign or any projection is within 5 feet of a public sidewalk, alley, or other public right-of-way, the grade will be the elevation of the sidewalk, alley, or public right-of-way.

**Ground Mounted Sign,** A freestanding sign with a minimum of twelve inches of vertical solid base directly and continuously connected to at least fifty percent of the sign face width or, is borne by two or more supports which are a minimum of twelve inches but less than eight feet above grade.

**Height.** The vertical distance measured from grade to the highest attached component of a sign including supporting structure.

**Historical or Landmark Marker.** A sign constructed in close proximity to an historic place, object, building, or other landmark recognized by an official historical resources entity, where the sign is constructed by the owner of the historic property and does not exceed 20 square feet in size.

**Home Occupation.** A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the household living use on the site.

**Identification Sign.** A sign whose primary content is the logo, lettering, trademark, legal business name, address, and number of a building, institution, person, or activity being carried out on the site.

**Illuminated Sign.** A sign illuminated by an internal light source or an external light source primarily designed to illuminate the sign. The illumination is "external" when the light source is separate from the sign surface and is directed to shine upon the sign and "internal" when the light source is contained within the sign, but does not include signs where the text or image is composed of dot matrix or LEDs. External illumination is "direct" when the source of light is directly seen by the public, such as floodlight, and "indirect" when the source of light is not directly seen by the public, such as cove lighting.

**Informational Sign.** Any sign that provides information that does not pertain and does not in any way advertise a business and is located entirely on the property; signs identifying restrooms, public telephones, walkways, or signs providing direction such as parking lot entrance and exit signs and those signs to serve public safety or convenience such as "office" signs and "parking" signs.

**Lawn Sign.** A temporary freestanding sign made of lightweight materials such as cardboard or vinyl that is supported by a frame, pole or other structure placed directly in or upon the ground without other support or anchor.

**LED.** A semiconductor diode that converts applied voltage to light and is used in digital displays.

**Maintenance.** Normal care or servicing needed to keep a sign functional or perpetuate its use, such as cleaning, replacing or repairing a part made unusable by ordinary wear, and changing light bulbs.

**Memorial Sign.** A building sign or plaque noting information related to the history or legacy of a building or structure.

**Menu Board.** A sign placed at the beginning of a drive-up service to a food and/or beverage service establishment that may include a two-way speaker system for taking food orders.

**Monument Sign.** A freestanding sign that is placed on a solid base that extends a minimum of 12 inches above the ground and extends at least 75 percent of the length and width of the sign. The above ground portion of the base is considered part of the total allowable height of a monument sign. A monument sign is a freestanding sign.

**Mural.** An artistic expression or depiction painted or affixed on a wall whose sole purpose is not the promotion of a product or service.

**Multi-Prism Sign.** A sign made with a series of sections that turn and stop or flip to show several pictures or messages in the same area.

**Nit.** Nit is a measurement of luminance, where one nit is equal to one candela per square meter (1cd/$m^2$). A "candela" means a unit of measurement of the intensity of light, where one candela is the monochromatic radiation of 540THz with a radiant intensity of 1/683 watt per steradian in the same direction. By way of example, an ordinary wax candle generates approximately one candela.

| NIT Reference | |
|---|---|
| 20 - 300 NIT | Brightness of Plasma and TFT Screens |
| 40 - 60 NIT | Cinema Screens |
| 2,000 – 7,000 NIT | Sky |
| 32,000 NIT | Reflecting, Diffusing Surface in Sunlight |

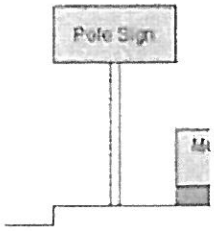
**Nonconforming Sign.** A sign that was lawful when it was constructed but no longer meets the requirements of the Creswell Sign Code. When a sign permit is granted prior to the effective date of this Code (Sign ORDINANCE 483

Code) that complies with then existing requirements, the sign is conforming if it is erected within 90 days of the effective date of this Code (Sign Code).

**Owner.** See "Responsible Party"

**Pennant.** A sign made from a strip of flexible material intended to wave in the wind.

**Pole Sign.** A sign that is freestanding connected to the ground by one or more supports with the lower edge of the sign separated vertically from the ground by a distance of nine (9) feet or greater as measured from grade.




**Portable Sign.** A sign which is not affixed to a building or other structure, or the ground in a permanent manner and is designed to be moved from place to place.

**Projecting Sign.** A sign that projects from, and is supported by or attached to, a roof or wall of a building or structure. Some projecting signs are called "Blade Signs" which rest perpendicular to the façade they are affixed to.

**Public Sign.** A sign erected, constructed, or placed within the public right-of-way or on public property by or with the approval of the governmental agency having authority over, control of, or ownership of the right-of-way or public property.

**Reader Board.** Any sign that displays changeable informational text for passers-by to read.

**Repair.** Mending or replacing broken or worn parts with comparable materials.

**Responsible Party(ies).** The party owning title to real property on which a sign is located, or the contract purchaser of the real property as shown on the last available complete assessment roll in the office of the county assessor. "Responsible party" also includes the owner of a sign who has a continuing lease of the real property on which the sign is located.

If the owner of the sign is not known, the owner of the building, structure or premises on which the sign is located is the responsible party.

**Roof Line.** The top edge of a roof or a building parapet, whichever is higher, excluding any cupolas, chimneys or other minor projections.

**Roof Sign.** A sign erected, constructed or painted upon, against, or over the roof of any building or structure which is partially or wholly supported by the building or roof structure.

**Sandwich Board Sign.** See A-Frame Sign.

**Seasonal holiday decorations.** Adornments displayed that may include temporary lighting installed and operated in connection with holidays or traditions not to exceed 500 nits (approximately 47 watts).

**Service Guide Sign.** A sign that is usually white lettering on green, blue, or brown background that provides directional guidance to drivers to access points of interest such as food, lodging, fuel, and camping. See "Wayfinding sign".

**Setback.** The horizontal distance from the property line to the sign, measured at the closest points of the sign to the property line.

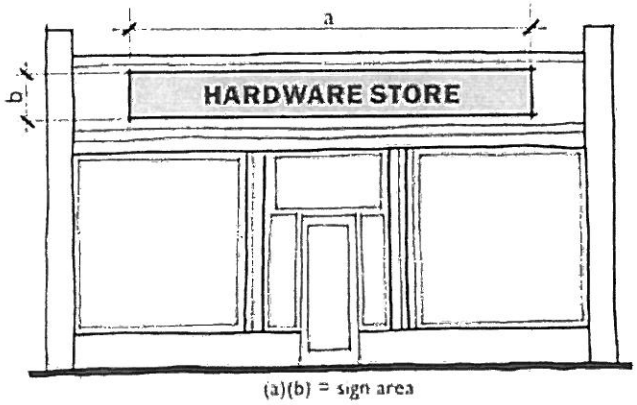
**Sidewalk sign.** See Sandwich board sign, A-frame.

**Sign.** Any writing, video projection, illumination, pictorial representation, illustration, decoration, emblem, symbol, design, trademark, banner, flag, pennant, captive balloon, streamer, spinner, ribbon, sculpture, statue, or any other figure or character that:

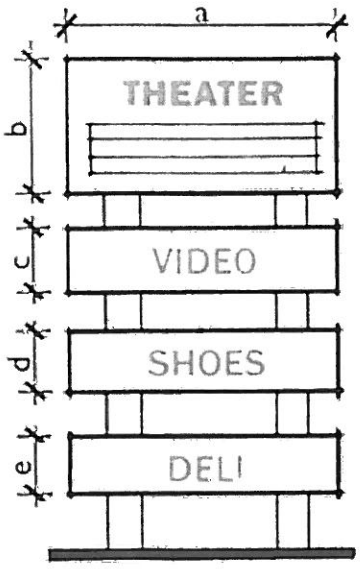
1. Is a structure or any part thereof (including the roof or wall of a building); or
2. Is written, printed, projected, painted, constructed, or otherwise placed or displayed upon or designed into a structure or an outdoor screen or monitor, or a board, plate, canopy, awning, marquee, or a vehicle, or upon any material object, device, or surface whatsoever; and
3. Communicates, or is designed to communicate on any subject whatsoever.

**Sign Area.** The area of the sign measured within lines drawn between the outermost points of a sign, but excluding essential sign structure, foundations, or supports.

**Sign Face.** The sum of the surfaces of a sign face as seen from one plane or elevation included within the outer dimensions of the sign board, frame or cabinet. . The figures below represent how to calculate sign face area.



(a)(b) = sign area



(a)(b+c+d+e) = sign area

**Sign Height.** The distance from average level of the grade below the sign to the topmost point of the sign or the supporting structures thereof.

**Site.** the area, tract, parcel, or lot of land owned by or under the lawful control of a responsible party. Abutting platted lots under the same ownership shall be considered one site.

**Special event.** Events permitted under Chapter 18.150.010 Temporary Use Permits or short-term uses that occur only once in a calendar year and do not exceed 30 days in total duration.

**Supporting Structure.** A structure specifically intended for supporting or containing a sign.

**Suspended Sign.** A sign suspended from the underside of a canopy, awning, eve, or marquee.

**Temporary Sign.** A sign that is temporarily attached to a building, structure, vegetation, or the ground. Temporary signs include, but are not limited to, banners, flags, pennants, balloons, blimps, streamers, lawn signs and portable signs.

**Three-dimensional Sign.** See Blade Sign or Projecting Sign.

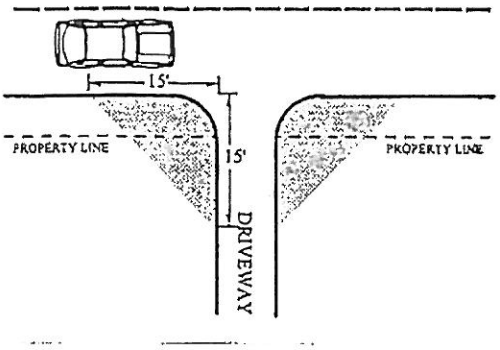
**Unlawful Sign.** A sign that does not conform to the provisions of this Sign Code and is not a non-conforming sign.

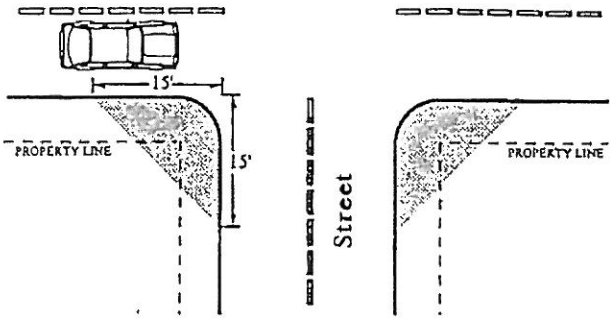
**Utility Sign.** A sign constructed or placed by a public utility on or adjacent to a pole, pipe, or distribution facility of the utility and within the public right-of-way or utility easement.

**Vehicle Sign.** A sign placed in or attached to the motor vehicle, trailer, railroad car that is used for either personal purpose or is regularly used for purposes other than the display of signs.

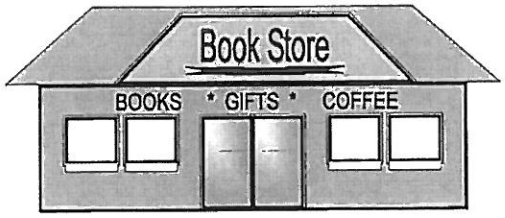
**Video Sign.** A sign providing information in both a horizontal and vertical format (as opposed to linear), through the use of pixel and sub-pixel technology having the capacity to create continuously changing image sign copy in a full spectrum of colors and light intensities.

**Vision Clearance.** Those areas near intersections of roadways, driveways, and motor vehicle access points where a clear field of vision is necessary for traffic safety and to maintain adequate sight distance. The sides of the minimum vision clearance triangle are the curb line, or where no curb exists, the edge of pavement. Vision clearance requirements may be modified by the City Engineer upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, slope, etc.).




**Wall Sign.** A wall sign is a sign that is painted on a wall of a building, or a sign attached to the wall of a building and extending no more than twelve inches from a wall (except for projecting signs , roof signs, and other mounted signs listed in Section 060 (B).




**Wayfinding Sign.** A sign or set of signs erected to help users orient themselves to their surroundings. Cities often use wayfinding signs to direct visitors to key locations of interest within the community.

**Wind Sign.** a sign consisting of one or more banners, pennants, ribbons, spinners, streamers or captive balloons, or other objects or materials fastened in such a manner as to move upon being subjected to pressure by wind or breeze, but does not include "flags" as defined above.

## Section 040 General Requirements

A. Except as provided in Section 080 of this Ordinance, no person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the Sign Code.

B. Permits. A sign permit is required for the construction and continued use of all permanent or temporary signs in all zoning areas of the City of Creswell as described in Section 100, unless otherwise exempt by Section 080 this Ordinance. All signs are subject to the terms and conditions in this Sign Code.

C. Sign Zones correlate directly to a site's land use as determined by the City of Creswell Zoning Map.
   a. Signs proposed in the Resort-Commercial overlay zone shall be considered consistent with current use of property to assure signs preserve the character of the zoning district.

D. No responsible party shall erect or construct a sign on a site that contains unlawful signs.

E. The Sign Code shall not permit the erection or maintenance of any sign at any place or in any manner unlawful under any other City code provision or other applicable law. In any case where a part of the Sign Code conflicts with a provision of any zoning, development, building, fire, safety or health ordinance or code, the provision which establishes a stricter standard for the protection of the public health and safety shall prevail.

F. The Sign Code is not intended to, and does not restrict, speech on the basis of its content, viewpoint, or message. Any classification of signs in this Ordinance that permits speech by reason of the type of sign, identity of the sign user or otherwise, shall permit any type of speech on the sign. No part of this Ordinance shall be construed to favor commercial speech over noncommercial 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 message shall prevail.

G. Placement of Signs. No sign or portion thereof shall be placed so that it obstructs any fire escape, stairway or standpipe; interferes with human exit through any window of any room located above the first floor of any building; obstructs any door or required exit from any building; or obstructs any required light or ventilation.
   1. Near street intersections. No signs in excess of two and one-half (2 ½) feet in height shall be placed in the vision clearance area. This provision shall apply to all types of development.
   2. Near driveways. No sign or portion thereof shall be erected within fifteen (15) feet of driveways unless the same is less than two and one-half (2 ½) feet in height.
   3. Sign placement shall be consistent with the character and intent of the zoning district as defined in Sections 050-080.

H. Illumination. No sign, light, lamp, bulb, tube, or device shall be used or displayed in violation of Sections 050 or 060.
   1. Safety. Regardless of the maximum wattages or milliampere rating capacities allowable under the subsections to follow, no light source shall create an unduly distracting or hazardous condition to a motorist, pedestrian, or the general public. Lighted signs shall be placed, shielded or deflected so as not to shine into residential dwelling units or structures, impair the road vision of the driver of any vehicle, or interfere with aviation traffic.
   2. Direction. External light sources for a sign shall be directed down and/or shielded to limit direct illumination of any object other than the sign.
   3. Temporary signs shall not be illuminated.
   4. The illumination of signs shall comply with the following standards:
      a. No exposed reflective type bulb, par spot nor incandescent lamp, which exceeds five-hundred (500) nits or the equivalent luminescence, shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.

b. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed a rating of five hundred (500) milliamperes for white tubing; nor three hundred (300) milliamperes rating for any colored tubing.
c. When fluorescent tubes are used for interior illumination of a sign such illumination shall not exceed eight hundred (800) nits, or the equivalent luminescence.

## Section 050 Sign Regulations for Residential Sign District

One (1) wall mount or up to two (2) freestanding sign faces consistent with the standards below shall be allowed for each lot. Except as otherwise provided in this Section, no sign shall be allowed except the following with permits:

A. Residential Freestanding Sign Standards. Monument and Ground Mounted Signs shall be no taller than five (5) feet and shall not be located in or interfere with the function of any clear vision area.
   1. Dwelling Unit Sign. One (1) freestanding or wall-mounted sign may be located on a site with a dwelling unit. The sign shall not exceed one and one-half (1-1/2) square feet in area. The maximum height of the sign shall not exceed three (3) feet above base elevation.
   2. Home Occupation, Bed and Breakfast, or Group Facility. One (1) sign not to exceed ten (10) square feet in total area.
   3. Churches, schools, and semi-public facilities. One (1) double faced monument sign or not more than two (2) single faced monument signs oriented towards a primary street frontage. Total sign area shall not exceed sixteen (16) square feet for each sign face.
   4. Multifamily, Subdivision, and Planned Unit Developments. One (1) double faced monument sign or not more than two (2) single faced monument signs on either side of a vehicular entrance at each frontage that abuts an arterial or collector street (as designated by the applicable Transportation System Plan). Total sign area shall not exceed sixteen (16) square feet for each sign face.

B. Residential Wall Sign Standards. One (1) wall sign may be located on a site with a dwelling unit. The sign shall not exceed one and one-half (1-1/2) square feet in area.

C. Illumination. Signs in Residential areas may be indirectly lit, though they must be lit facing downwards, and any lighting included may not exceed five hundred 500 nits. Illumination that exceeds this rating in a residential area may be considered a public nuisance.

## Section 060 Sign Regulations for Commercial and Industrial Sign District

One (1) wall mounted sign for each street-facing elevation and one (1) freestanding, suspended, or projecting sign, where compatible, consistent with the standards below, shall be allowed for each parcel. No business shall have more than four (4) total permanent signs. Except as otherwise provided in this Section, no sign shall be allowed except the following with permits.

A. Freestanding Signs. Freestanding signs shall not exceed a total of one hundred and twenty (120) square feet of sign face area nor exceed thirty-five (35) feet in height. Freestanding signs shall be permitted for each commercial or industrial type of development as follows:

   1. Monument and Ground Mounted Signs. One (1) single faced or one (1) double faced monument, pole, or ground mounted sign shall be permitted for each site along the development's designated primary street frontage. Sign area shall not exceed sixty (60) square feet per face for a double-sided sign, or one-hundred and twenty (120) square feet for a single-faced sign; the total square feet of freestanding signage on a lot shall not exceed one hundred and twenty (120) square feet except as allowed in Section 060(A)(6) and(7).
      a. No part of a freestanding sign shall project or extend into any public right-of-way.

b. No part of a freestanding sign shall be erected or maintained within five (5) feet of a property line.

2. Vision clearance. Except as provided in this subsection, no freestanding sign shall project or extend into any vision clearance area. One or two sign poles supporting a freestanding sign may be located within the vision clearance area if they are necessary for the support of the sign, and if no other portion of the sign is located within the vision clearance area between two (2) feet and ten (10) feet over grade.
3. Clearance. A minimum of nine (9) feet of vertical clearance is required in areas accessible to vehicles. A minimum of seven and one-half (7½) feet of vertical clearance is required for all freestanding signs.
4. Illumination. Electronic Signs must have the capacity to be programmed to accommodate daylight and nighttime requirements so as to avoid undue glare on private property in the surrounding area or to maintain safe visibility for drivers.
5. Reader boards on freestanding signs. A reader board may be incorporated into the total sign area of a monument or ground-mounted sign. A reader board shall not exceed twenty (20) percent of the freestanding sign face total area, and is counted as part of the sign's total area.
6. Directory Signs. For business complexes and commercial shopping centers that include more than five (5) distinct businesses, one (1) additional freestanding sign shall be permitted for the shopping center or business development as a whole. The total area of sign face shall not exceed one-hundred and twenty (120) square feet.
7. Interstate Commercial. Those properties within 250 feet of to the Interstate (I-5) right-of-way may construct one (1) freestanding pole sign whose total sign area may not exceed two hundred (200) square feet and shall not exceed thirty-five (35) feet in height above grade.
8. Proximity to Airport. Freestanding signs within one (1) mile of the Creswell Hobby Field Airport must file a Federal Aviation Administration 7460 permit application to assure compatibility with airport uses.
9. Illumination. Lighting of freestanding signs must be covered or be positioned to maintain a "quiet sky" in which any lighting fixture projects light downward. Illumination shall not exceed the equivalent of eight hundred (800) milliampere rating tubing behind a sign face spaced at least nine inches, center to center;

B. Wall signs. One (1) wall sign per street frontage with street facing elevation shall be permitted for each commercial type of development as follows:

1. The total sign face area for all wall mount signs, including multiple signs for multiple tenants, shall not exceed ten (10) percent of the building elevation area on the primary frontage. In the case of multiple tenants, no sign shall have a face area greater than one hundred and twenty (120) square feet.
2. Extension above roof line. Signs may not project above the highest roof line of the building.
3. For individual wall signs in multiple tenant buildings, the building elevation area used for calculation shall be the façade area owned, rented, or leased by the business being advertised.
4. In the case of multiple building frontages, a primary and secondary frontage shall be designated. The total signage area on secondary building frontage shall not exceed six (6) percent of the secondary building frontage elevation area. In the case of multiple tenants, each individual sign shall not have a face area greater than sixty (60) square feet on the secondary frontage building elevation.

5. Corner signs. Corner facades may be designated a frontage. All corner signs shall be affixed so as not to interfere with the vision clearance area. A corner may be designated a primary or secondary frontage and shall adhere to Section 060 (B)(1) and (3).
6. Second Story and Basement Uses. Second story and basement uses, which are maintained exclusively on a floor other than street level, shall be entitled to additional sign area equal to sixty percent (60%) of the sign area authorized in Section to Section 060 (B)(1) and (3) for each facade.
7. Informational signs. No more than four (4) distinct informational signs shall be affixed to a building elevation area for any one business. The total area of informational signs may not exceed two percent (2%) of the building elevation area.
8. Menu boards. A restaurant or drive through facility may have one (1) wall-mounted board at each remote ordering window. No single menu board shall exceed twelve (12) square feet. Menu boards may be affixed to a building wall or may be freestanding. No menu board may be oriented toward, or intentionally visible from, the right-of-way.
9. Clearance above grade. The lowest part of a wall sign may be no less than 7 feet 6 inches above grade.

C. Awning signs.

1. Sign area. Awning signs may be considered separate from awnings with no signage by the presence of text or graphics advertising a business. Awning signs area shall be counted in the calculation of total allowable sign area for a property; the combined total area of awning and wall signage shall not exceed ten percent (10%) of the building elevation area to which it is affixed.
2. Clearance above grade. The lowest portion of a sign affixed to an awning or marquee shall be no lower than seven feet six inches (7½).
3. Suspended signs. One (1) suspended sign over public right-of-way shall be permitted under an attached first floor awning or canopy with direct exterior pedestrian access. Sign area shall not exceed six (6) square feet.

D. Projecting Signs. Projecting signs must adhere to the following guidelines:

1. Clearance above grade.

| Clearance above grade | Maximum Projection |
|---|---|
| < 7½ feet | Not permitted |
| 7½ -9 feet | 1 foot |
| 9-12 feet | 2 feet |
| >12 feet | ⅔ of the distance from the building to the curbline OR a maximum of 5 feet |

2. Any sign that projects over the public right-of-way must be accompanied by a notarized statement acceptable to the City assuming liability for a sign projecting over a public sidewalk or roadway.

E. Roof Signs. One (1) roof sign may be allowed, in lieu of other building-mounted signs, only upon the applicant showing that there are no other reasonable means of signing the business or use, due to extraordinary circumstances related to the physical location or structure of the building, distance from nearby streets, proximity of surrounding buildings or vegetation, or other factors over which the applicant has no control. Approval of a roof sign shall be subject to the following standards:

1. The sign is installed on a gabled, hipped, mansard, or otherwise sloped roof;
2. Sign area for the roof sign shall not exceed eight percent of the roof elevation area, with a maximum area of one hundred twenty square feet;
3. The highest point of the roof sign shall not exceed the height of the ridge of the roof; and
4. Issuance of a building permit and final approval of the installed sign by the building department.

**Section 070 Prohibited Signs**

Except for non-conforming signs, the following types of signs are expressly prohibited, except as otherwise provided by this Code:

A. Abandoned Signs. No person, firm or corporation shall abandon any sign anywhere in the city;
B. Advertising Vehicles. No person shall operate or park any vehicle or trailer on a public right-of-way of public property or so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the primary purpose of advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. This Ordinance is not intended to prohibit a vehicle sign unless the primary purpose of such vehicle is for advertising.
C. Animated, Video, and Intensely Lighted Signs. No intensely lit, animated, video signs, or the like shall be permitted, except for changing image signs as defined in this Ordinance are permitted;
D. Bare-Bulb Illumination. No bare-bulb illumination (or so the source of light is visible), no exposed reflective type bulb, no strobe light, no festoon lights nor incandescent lamp greater than three-hundred (300) milliamperes emitting greater than five hundred (500) nits of luminescence, shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign, if not directed toward the view from any public street. All signs are to be designed and used in such a manner as to avoid undue glare or reflective light on private property in the surrounding area;
E. Hazardous Signs. Any sign or sign structure that constitutes a hazard to public health or safety;
F. Moving Signs. Except as otherwise provided in this Ordinance, no sign or any portion thereof shall be permitted that moves or assumes any motion constituting a non-stationary or non-fixed condition except for the rotation of barber poles, changing image signs or multi-prism units. Indexing multi-prism units must not exceed a speed of two (2) complete revolutions every twenty (20) seconds. This Ordinance is not meant to prohibit any form of vehicular sign such as a sign attached to a bus or lettered on a motor vehicle;
G. Nonpublic. Signs which, by reason of their size, location, movement, 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 that hide from view any traffic or street sign or signal or device are prohibited. No signs, except for authorized traffic signs, shall be erected at the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision.
H. Public Areas. No sign shall be placed on any curb, sidewalk, post, pole (utility or otherwise), hydrant, bridge, tree or other surface located on public property, public utility easement, public right-of-way, or over or across any street or public thoroughfare except expressly as authorized by this Code.
I. Obstructing Signs. Notwithstanding any of the provisions of this Section, no sign or sign structure shall be erected or maintained in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe. No sign

shall be erected or maintained so as to obstruct any window to such an extent that light or ventilation is reduced below minimums required by any applicable law or Ordinance;

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

K. Other Signs. The following signs are also prohibited:
    1. Signs that are painted on or attached to any permanent fence or any wall or structure (other than structures for permitted signs) that is not structurally a part of a building.
    2. Signs that emit audible sound, odor or visible matter.
    3. Signs with a flame as a source of light.
    4. Inflated or balloon signs.
    5. Spinners or signs twirled by a person.
    6. Billboards
    7. Public address system or sound devices used in conjunction with any sign or advertising device.
    8. Wind signs, wind devices, blimps or captive balloons.
    9. Any sign which is determined to be a public nuisance.

## Section 080 Exemptions

The provisions and regulations of this Code shall not apply to the following signs:

A. Governmental signs for control of traffic and other regulatory or informational purposes (i.e. street signs, railroad crossings, and/or signs of public service companies indicating danger). This includes official notices by public officers and employees in the performance of their duties;
B. Directional signs on private property that do not exceed two (2) square feet in area;
C. Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings.
D. Flags of six (6) square feet or less;
E. Memorial signs;
F. Historical or landmark markers;
G. Murals as defined by this Ordinance;
H. Seasonal holiday decorations on private property;
I. City identification/welcome signs, which may include identification of local service clubs or charitable groups;
J. Window signs or signs placed/painted in windows;
K. Signs incorporated into vending machines or gasoline pumps; and
L. Wayfinding signage located in the public right-of-way.

## Section 090 Temporary Signs

Temporary signs, as described in this section, shall not affect the amount of signage otherwise allowed by this Code. Temporary signs may be erected and maintained in compliance with the regulations in this Code with the following conditions:

A. Illumination. No temporary sign shall be powered, internally illuminated, or be illuminated by an external light source primarily intended for the illumination of the temporary sign.
B. Construction safety. A temporary sign shall be anchored to the site or constructed in a manner that both prevents the sign from being blown from its location and allows for the easy removal of the sign by authorized persons.

1. Except as provided in this Ordinance in Section 090(F)(3), temporary signs shall not be attached to trees, fences, shrubbery, utility poles, or traffics signs or devices.
2. No temporary sign shall be erected or maintained which, by reason of its size, location or construction constitutes a hazard to the public.

C. Siting. Temporary signs in any location throughout the City shall adhere to the following siting requirements:
   1. No temporary sign in the right-of-way shall interrupt the normal flow of vehicle, pedestrian or bicycle traffic and shall provide a minimum of five feet of clear passage for pedestrians on a sidewalk where a sidewalk exists.
   2. No temporary sign shall extend into a vision clearance area.
   3. Temporary signs may not be lighted or powered by any means

D. Temporary or A-frame signs on public property. Temporary signs or banners shall be allowed in the public right-of-way or on public property with a permit. Temporary signs allowed in the right-of-way or on public property shall:
   1. Be placed on the sidewalk within the first three (3) feet behind the curb allowing for at least five (5) feet of unimpeded, safe pedestrian clearance ;
   2. Be present only during the business hours of the responsible enterprise;
   3. Not obstruct primary signs on adjacent premises;
   4. Not exceed one (1) temporary sign of any kind in the public right-of-way adjacent to any property frontage on a single street;
   5. Be located within thirty (30) feet of the entry way of the responsible enterprise;
   6. Be constructed of wood, chalkboard, plastic, finished metal and/or other material commonly recognized by the sign industry as appropriate construction materials by Oregon Building Code;
   7. Be freestanding and anchored, as needed to ensure safety.
   8. Be limited in area to six (6) square feet per face and the maximum height of the sign frame shall not exceed four (4) feet;
   9. Not exceed twenty-four (24) inches between base edges of each sign face (A-frame sign);
   10. Shall include contact information, such as the name, phone number, and/or email address of the party responsible for the display and removal of such sign; and
   11. Be accompanied by a notarized statement acceptable to the City assuming liability for a sign on a public sidewalk.
   12. One sign for each site shall be permitted at each street frontage and shall be positioned as to be no closer than two (2) feet from areas subject to vehicular travel.

E. Temporary signs on private property. The following temporary signs shall be allowed on a lot and do not require a sign permit.
   1. Election Signs. Signs not exceeding six (6) square feet in area or four (4) feet in height above grade during the period from sixty (60) days before a public election or the time the election is called, whichever is earlier, to ten (10) days after the public election for which they were erected. Not more than three (3) signs may be placed on any single site.
   2. For sale/rent. A sign not exceeding four (4) square feet in area and with a maximum height of four (4) feet above grade during the time of sale, lease or rental of a site. Such a sign shall be removed within five (5) days of the sale, lease, or rental of said site.
   3. During construction. A sign not exceeding thirty-two (32) square feet in area and, if a freestanding sign, no more than eight (8) feet in height above grade, during the time of construction or remodeling of the site, provided the sign is removed within five (5) days of the completion of any construction or remodeling. An additional sign of the same size or

smaller may be erected if the property borders a second street frontage and the signs are not visible simultaneously. In no case shall the sign(s) be erected for more than twelve (12) months.

4. Development approval. On property which has received subdivision or development approval from the City, from that approval until issuance of a building permit for the last lot to be sold or completion of the development project, one temporary sign not exceeding thirty-two (32) square feet in area and eight feet (8) in height. In no case shall the sign be erected for more than twelve (12) months.
5. Charitable/Civic signs. A sign may be erected during a period of charitable/civic fundraising by a civic, charitable, or nonprofit organization. A sign not exceeding thirty-two (32) square feet in area and eight (8) feet in height may be placed on a lot. The sign shall not be placed more than twenty (20) days prior to the event and must be removed within seven (7) days following the event.
6. Removal. Any sign(s) that fail to comply with these criteria for removal shall be considered a public nuisance and may be removed per Section 140.

F. **Banners and seasonal decorations.** Temporary banners or seasonal decorations shall be allowed in all zoning designations for a community, patriotic, special event, or activity taking place within the City. A banner may not be erected more than twenty (20) days prior to an event. Banner(s) and/or decorations shall be removed within seven (7) days of the associated event or activity unless otherwise specified in this section.

1. Free-standing banners. Free standing banners or decorations shall be permitted along the lot's primary street frontage. Banner area shall not exceed sixty (60) square feet.
2. Banners advertising grand opening for a business. A banner not exceeding thirty-two (32) square feet in area and eight (8) feet in height may be placed on a lot for a new business opening. The banner shall not be placed more than twenty (20) days prior to the business opening and must be removed within fifteen (15) days following the business opening.
3. Utility pole banners. Only those utility poles expressly dedicated to display banners may have banners affixed that are approved by the responsible utility and/or transportation agency. Those utility poles may have single- or double-sided banners that shall not exceed twelve (12) square feet in area.
4. Roadway banners.
   a. City of Creswell roadways. Banners or decorations which extend over a roadway owned and operated by the City of Creswell shall not exceed two hundred and twenty-five (225) square feet in area, and are not to exceed the width of the roadway over which it is suspended. No banner material, other than support wires or the like, shall extend over pedestrian areas, such as sidewalks. Such a banner may be suspended no lower than twenty (20) feet above a roadway.
   b. Other roadways. Applicants requesting temporary banners placed over right-of-way controlled by other agencies other than the City of Creswell shall obtain written consent from the appropriate agency regarding the proposed banner(s) prior to submittal of an application for a sign permit. The consent shall identify any restrictions desired by the responsible party of the right-of-way.

## Section 100 Permits

A. No person shall erect, construct, place, alter, change, relocate, suspend or attach any sign without first obtaining from the City Administrator a written permit to do so, paying the fees prescribed therefore, and otherwise complying with all of the applicable provisions of this Sign

Code, unless exempted under Section 080 or 090.

B. Application. Application for a sign permit shall be made on an application form provided by the City of Creswell. No sign permit shall be granted until a complete application is submitted.

C. Application materials. The responsible party shall submit two (2) copies of plans. These plans must be detailed enough to show compliance with all applicable sign regulations. The plans shall include, but are not limited to, the following:

1. A drawing to scale showing the design of the sign, including dimension, sign size, method of attachment, source of illumination and showing the relationship to any building or structure to which it is, or is proposed to be installed or affixed, or to which it relates, including elevations.
2. Calculations of the percent of sign face area relevant to the wall (elevation) area.
3. The maximum and minimum height and clearances of the sign.
4. Number, size and location of all existing signs on the same building, lot, or premises.
5. Names and addresses of the contractor or person erecting the sign and the responsible party of the subject property.

D. The City may require other pertinent information where, in its opinion, such information is necessary to insure compliance with this Sign Code.

E. A fee shall be assessed to each sign permit, pursuant to fee structure as established by Council Resolution.

F. Review and approval of the design and location of all signs is subject to the discretion of City of Creswell Administration to ensure that signs comply with the policies and standards contained in this Sign Code.

G. Approval criteria. A sign permit shall be approved if:

1. A sign permit application is completed, in full;
2. The proposed sign complies with all of the applicable provisions of this Sign Code and any other objective requirement imposed by law. No standard shall be applied to deny a permit if the operation of that standard violates a constitutional right of the applicant.
3. The applicable permit fee has been paid.

H. Decision. The City Administrator shall grant or deny the sign permit application based upon the information submitted with the application and other information obtained by or submitted to the City.

I. Timeline. A decision on a sign permit application shall be made within twenty one (21) business days of submission of a complete application. If a decision is not made within this time period, the applicant may temporarily install the sign as requested, at the applicant's risk for costs of removal, until such time as the City's decision is issued and is final.

J. If the application is approved, the notice of approval shall be considered the release of the sign permit.

K. Approval Period. An approved sign shall be constructed and installed within three (3) months of the final approval of the permit, which includes the resolution of any appeal. The sign permit shall be void if installation is not complete within this period or if the sign does not conform to the approved permit. Sign permits mistakenly issued in violation of this Sign Code are void.

L. Extension. The City Administrator may grant a reasonable extension of time for the installation

deadline upon a showing of reasonable grounds for delay.

M. Suspension and/or revocation. The City Administrator may, in writing, suspend or revoke a permit issued under provisions of this Ordinance whenever the permit is issued on the basis of a misstatement of material fact or fraud.

N. Notice of denial. If the application is denied, the City Administrator shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial. The decision shall be mailed by regular mail to the address of the applicant as indicated on the permit application form.

## Section 110 Appeal

A. Standing. The responsible parties shall have standing to appeal a decision by the City Administrator:

B. Procedure. Any person with standing to appeal, as provided in , above, may appeal a Sign Code decision to the City Council by filing a Notice of Appeal according to the following procedures;
   1. A Notice of Appeal shall be filed with the City Recorder within fourteen (14) calendar days of the date the Notice of Decision.
   2. The Notice of Appeal shall contain:
      a. An identification of the decision being appealed, including the date of the decision.
      b. A statement demonstrating the person filing the Notice of Appeal has standing to appeal.
      c. A statement explaining the specific issues raised on appeal.

C. Filing fee. The amount of the filing fee shall be established by Council resolution. The maximum fee for an initial hearing shall be the City's cost for preparing for and conducting the hearing, or the statutory maximum, whichever is less.

D. Decision on appeal
   1. The City Council shall conduct a public hearing on the appeal within thirty-five (35) business days following the receipt of the filed notice of appeal.
   2. The hearing may be conducted under the procedures used by the City Council for a quasi-judicial hearing.
   3. The City Council shall grant or deny the permit within twenty-one (21) business days of the City Council hearing based upon the evidence at the hearing and the record of its administrative proceedings.
   4. The City Council shall issue its decision in writing explaining the reasons why the permit was granted or denied. The decision shall be mailed to the address of the applicant on the application by regular mail.
   5. The decision of the City Council regarding an appeal of a Sign Code decision is the final decision of the City.

## Section 120 Construction and Maintenance

All permanent signs shall be constructed, erected, and maintained so as to conform with the State of Oregon's Building Code.

A. Permits. Building and electrical permits shall be the responsibility of the applicant. Prior to obtaining building and electrical permits, the applicant shall obtain a sign permit or demonstrate an exception from the permit requirements of this Ordinance.

B. Maintenance. All signs, together with all of their supports, braces, guys, and anchors shall be kept in good repair and be maintained in a safe condition as follows:

1. All signs and the site upon which they are located shall be maintained in a neat, clean, and attractive condition.
2. Signs shall be kept neatly painted or posted, free from rust, corrosion, peeling paint or other surface deterioration.
3. Signs which are faded, torn, damaged, illegible, or otherwise unsightly, or in a state of disrepair shall be immediately repaired or removed at the responsible party's expense.

C. Safety. No sign shall be erected or maintained in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, or standpipe. No signs shall be erected or maintained so as to obstruct any building opening to such an extent that light or ventilation is reduced below minimums required by any applicable law or provisions of this code.

## Section 130 Inspection

A. Permit inspection. Signs for which a permit is required shall be inspected by the Building Official. All signs may be inspected or re-inspected at the discretion of the officials responsible for enforcement or administration of this Code or their duly authorized representatives. A responsible party may request a written explanation citing cause for inspection/re-inspection.

B. Access. Applicants shall grant access to authorized officials to enter the site during reasonable hours for the purpose of inspecting signs for compliance with the Sign Code. No secured building or private dwelling shall be entered without the consent of the responsible party. If such entry is refused, the applicant shall be considered to be in violation of the Sign Code and subject to all applicable violations and enforcement provisions of this Code.

C. Removal. If a sign does not conform to the Building Code after inspection, the sign will be subject to removal under the provisions of Section 140 (I) or (J) of this Code.

D. Fees
1. In order to defray expenses incurred in connection with the processing of applications, preparation of reports, issuance of permits and other matters and collection of permit and other fees as established by City of Creswell, the required fees shall be paid to the City of Creswell upon filing of an application or at such other times as specified in this Ordinance.
2. All fees are non-refundable. Municipal corporations are exempt from the payment of permit fees.

## Section 140 Enforcement

A. The City Administrator is authorized to undertake such action as the City Administrator deems necessary and appropriate to carry out the provisions of this Sign Code, as permitted by law.

B. Nothing contained herein shall preclude the issuance of citations for civil violations of this Ordinance, either prior to, concurrently with, or after action is commenced to declare a sign to be unlawful or to removal an unlawful sign.

C. The Administrator may promulgate reasonable rules and regulations necessary to carry out the provisions of this Code.

D. When a sign is removed, altered, and/or stored under these enforcement provisions, removal and storage costs may be collected against the responsible parties. The City Council shall establish the fees for removal and storage of signs, and for other associated fees, by resolution.

E. Unsafe Signs.
1. If the Building Official finds that any sign or sign structure, by reason of its condition or its placement, presents an immediate and serious danger to the public, the Building Official

may declare a sign unsafe and order its immediate repair in accordance with the Uniform Building Code.

2. Only if the City Administrator finds that any sign, by reason of its condition or placement, presents an immediate and serious danger to the public, the City Administrator may, without prior written notice, order the immediate removal or repair of the sign within a specified period.
3. The City Administrator shall follow the procedures provided in Section 140 (I) or (J), except that the City Administrator may shorten the time deadlines as reasonable, considering the risk to the public from the sign if the sign were to fail.
4. A sign which is not removed or altered in such a manner as to be made safe is defined as a public nuisance and may be removed or abated in accordance with Chapter 8.05.050 of Creswell Municipal Code (Ord. 256).

F. Abandoned Signs.
   1. Removal. The responsible party shall remove a sign when it is abandoned. If the responsible party fails to remove an abandoned sign, the City may remove the sign
   2. Appeal. The responsible party may appeal the City's determination of a sign as an abandoned sign, per Section 140 (E) or (F) based on the location of the sign.
   3. Compliance. If the responsible parties fail to remove the sign or bring it into compliance within ten (10) days after the decision of the City Council on the appeal, the City may remove such sign at cost to said responsible parties.

G. Unlawful Signs.
   1. General. All signs constructed or erected without a permit from the City of Creswell under the provisions of Ordinance 448, or previous versions of this sign code that were in effect at the time such sign was constructed or erected, are hereby made subject to the provisions of this Sign Code.
   2. Compliance. Upon request, the responsible parties associated with a sign shall file proof of permit to the City within ninety (90) days of the adoption of this Ordinance to be considered a non-conforming sign.

H. Costs. Costs shall be the responsibility of the responsible parties. The costs shall be made a lien against the site on which such sign is located, and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the City.

I. Enforcement of a sign in public right-of-way or on City-owned real property.
   1. The City Administrator reserves the right to remove any sign installed or placed in the public right-of-way or on City-owned real property, except in conformance with the requirements of this Code.
   2. Notice. Unless a sign presents a clear and present danger to the general public, a verbal or written warning shall be issued to the responsible parties in conjunction with the sign's removal.
   3. Removal. Removal shall adhere to the following steps:
      a. Immediate confiscation after notice described in Section 140(I)(2).
      b. The city shall store any sign ordered to be removed by the City Administrator for a period of thirty (30) days from the time the sign is removed.
      c. If contact information (phone or email) is provided on the sign, at least one (1) effort must be made to notify the responsible parties of the unlawful placement and subsequent removal of their sign. This contact effort may be made either in person, by phone, or via email. This contact will follow best practices as defined by the City's Code Enforcement Abatement Procedure (Chapter 8.05.160)

d. If no contact information is stated on the sign when confiscated, the City shall retain the sign for a period of thirty (30) days, after such time the sign may be destroyed.
e. The City shall continue to store such sign for any additional period during which an appeal or review thereon is before the City Administrator.
f. The sign shall be destroyed after thirty (30) days from notification, unless action is taken to pay removal and notice fees in full or a Request for Appeal is submitted by the reputed responsible party to the City Administrator.

4. Reclaiming a sign. To reclaim any sign removed by the City Administrator, the person reclaiming the sign shall pay the City an amount equal to the entire costs incurred by the City Administrator as determined by Council Resolution.

J. Enforcement of sign on private property or on non-City-owned public property, other than on public right-of-way.
1. Removal. The City Administrator may order the removal of any sign erected or maintained on private property or on non-City-owned public property, other than on public right-of-way, in violation of the provisions of this Code or other applicable provisions of this code. If necessary to enter the premises to inspect the sign, the City Administrator shall seek an administrative warrant for entry to the premises.
2. Notice. The City Administrator shall give (10) days notice in writing to the responsible parties to remove the sign or bring it into compliance with this Ordinance. An order to bring a sign into compliance or to remove a sign shall be made in writing and mailed or delivered to the responsible parties. The order shall:
a. Inform the responsible parties that the sign violates the regulations in this Code and must be brought into compliance or be removed within sixty (60) days of the date of the order.
b. State the reasons why the City Administrator concludes the sign violates the regulations in this Code; and
c. Inform the responsible parties of their right to submit a Request for Appeal, to determine whether or not the sign is in violation of this Sign Code.
3. Compliance. If the responsible parties fail to remove the sign or bring it into compliance within ten (10) days after receipt of written notice from the City Administrator, and fail to appeal the notice within the allotted time period, the City may remove such sign at cost to the said responsible parties, and a lien may be placed on the property.

K. Appeal of Enforcement. Only those responsible parties associated with the sign enforcement have standing for appeal.
1. Procedure. Upon receipt of a Request for Appeal, the City Recorder shall determine that that applicable fee is paid, and shall then schedule a public hearing before the City Administrator. The City Recorder shall notice the hearing and follow City procedure regarding a Public Hearing.
2. Prima facie appeal. A prima facie violation of this Code shall require the determination of the site as public right-of-way or private property.
a. Prima facie appeal on public property. A prima facie violation of this code shall be met if it is shown that:
i. The sign was located in a public right-of-way or City-owned real property; and
ii. The responsible party is not a public entity or other public entity authorized to install and maintain public signs within the public right-of-way under this Sign Code.

iii. The responsible party may rebut the prima facie showing of violation upon a showing that the sign was lawfully permitted within the public right-of-way or City-owned real property, or that the law does not require the responsible party to obtain a permit under this Sign Code to place a sign within the public right-of-way or on City-owned real property.

b. Prima facie appeal on private property. A prima facie violation of this code shall be met if it is shown that:

i. The sign does not conform to the requirements of this Ordinance; or is posted by a person other than the responsible parties.

ii. The prima facie showing of a violation may be rebutted upon a showing that the sign was lawfully permitted or authorized under this Code, or is otherwise required to be installed and maintained by state or federal law.

3. Decision. The City Council shall issue a written decision within fifteen (15) business days following close of the public hearing. The decision shall be based upon substantial evidence in the record. A copy of the decision shall be mailed to the reputed sign owner at such address as provided on the Request for Hearing. The decision of the City Council shall be the final decision of the City.

a. Decisions regarding signs on public property.

i. If the City Council determines that the sign was not lawfully placed upon the public right-of-way or City-owned real property, then, following any applicable appeal or review period, if one of the responsible parties has not reclaimed the sign as provided herein, the City Administrator may destroy the sign or dispose of it in any manner deemed appropriate.

ii. If the City Council determines that the sign was lawfully placed upon the public right-of-way or City-owned real property, then the City shall re-install the sign upon the same place that it was removed from within five (5) business days of the issuance of the decision and the fee for Request for Hearing shall be refunded to the payer of the fee.

b. Decisions regarding signs on private property.

i. If the City Council determines that the sign, as placed or erected is not permitted or authorized by this Ordinance, or by other applicable state or federal law, the responsible parties shall cause the sign to be removed, or altered in such a manner as to be made to conform to the requirements of this Ordinance within fourteen (14) business days following written decision. The City Administrator may:

1. Exercise all rights and remedies to cause the removal of the sign, including but not limited to removal of public nuisance, injunctive order, or as otherwise existing under Oregon law; and/or
2. Seek compensation for the removal and other costs pursuant to Section 150, and may collect upon the judgment in the manner provided by Oregon law; and/or
3. Seek such additional orders from a court of competent jurisdiction to permit entry upon the premises and removal of the sign.

ii. If the City Council determines that the sign is permitted or authorized by this Ordinance or another applicable state or federal law, then the City shall re-install the sign upon the same place that it was removed from within five (5) business days of the issuance of the decision and the fee for Request for Appeal shall be refunded to the payer of the fee.

Section 150 Non-conforming Signs

A. Existing non-conforming signs. Signs that do not conform to provisions of this Sign Code, but that were constructed in compliance with previous regulations, shall be regarded as non-conforming signs. Any existing sign made nonconforming by a provision of this Sign Code may be maintained and operated as a legal nonconforming sign so long as it remains otherwise lawful for a period ending ten (10) years from the effective date of this Sign Code; provided that:
   1. No sign shall be changed in a any manner that increases its noncompliance with the provisions of this Code; and
   2. If the sign is structurally altered, relocated, or replaced, the sign shall immediately be required to comply with all provisions of this Ordinance; and
   3. The sign is not a hazardous or abandoned sign.

B. Compliance. Any existing nonconforming signs that are not brought into compliance prior to the ten (10) year continuance period shall then be considered subject to the Violations section of this Code.

**Section 160 Variance**

A. Cost. A fee will be assessed, per City Council Resolution.

B. Types. A variance shall not be approved that would reduce the standards described in this code unless one of the following are submitted:
   1. Comprehensive Design Plan. A comprehensive design plan is required whenever adjustment of one or more of the sign standards of this code is proposed. The comprehensive design plan shall include a narrative and site plan, including, but not limited to:
      a. The physical components of the sign including the sign size, height, shape, color, location, lighting, and associated landscaping;
      b. A description of how the sign relates to the immediate surroundings including existing and proposed structures, other signs, neighboring land uses, and the character of the zoning districts; and
      c. For multiple tenant buildings and multiple building complexes a description of how the available sign area will be allocated between tenants or leasable spaces; and
      d. The plan shall accommodate future revisions that may be required because of changes in use or tenants.
   2. Historical/Significant Sign Petition. The owner of a non-conforming sign may apply for a determination that the sign qualifies for a variance from this Sign Code. An historical/significant sign shall be:
      a. Maintained essentially as originally constructed to signal its historic relevance;
      b. Associated with significant past trends in structure, materials, design, and local culture.
      c. Such a petition shall include the following:
         i. Proof of historical provenance;
         ii. Documentation of compliance with previous sign code requirements;
         iii. Documentation that the sign does not constitute a significant safety hazard due to structural inadequacies or impact on traffic.

C. Review Criteria
   1. The City Administrator shall review the variance proposal and may approve or disapprove the proposal.
      a. Approval may include conditions in order to accomplish the objectives of this sign code.
   2. Approval is contingent up on meeting the all of the following criteria:
      a. Sign(s) are consistent with the character of the zoning district;
      b. Sign(s) are compatible with neighboring land uses;

c. Are visually harmonious with the structure and site; and
d. Granting such variance will enhance the overall development and will more fully accomplish the purposes of this Sign Code.

**Section 170 Violations**

A. General. It shall be a violation of this Ordinance for any person to perform, undertake, or allow the following:
   1. Installation, creation, erection, or maintenance of any sign in a way that would create an unlawful sign as defined by Sections 040-070;
   2. Failing to remove any non-compliant sign after being ordered to do so.

A. Continuing Violation. Each day of a continued violation shall be considered a separate violation when applying the penalty provisions of this Sign Code.

**Section 180 Penalties**

A. A violation of any provision of this Ordinance is punishable by a fine not to exceed $500.
B. Each day that a violation of this Ordinance continues shall be considered a separate violation.
C. A finding of a violation of this Ordinance shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the City.
D. If a provision of this Ordinance is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

**Section 190 Severability**

If any provision of this Sign Code is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this Sign Code.

**Section 200 Limitation of liability**

The City shall not be held responsible for any damage to persons or property by reason of approval, disapproval, or the issuance of a sign permit authorized herein, or inspection, re-inspection, or removal of a sign as authorized by this Code.

**Section 210 Repeal**

Ordinance 448, enacted September 10, 2007, is hereby repealed.

PASSED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR THIS 13TH DAY OF OCTOBER, 2014.

Dave Stram

DAVE STRAM, Mayor

ATTEST:

Roberta J. Tharp

ROBERTA J. THARP, City Recorder