

CHAPTER 8.20 SIGN CODE

Sections:

8.20.010	Purpose, Scope and Definitions
8.20.020	Permit Required
8.20.030	Existing Signs - Conformance Required
8.20.040	Variances
8.20.050	Prohibited Signs
8.20.060	Removal of Abandoned and Obsolete Signs
8.20.070	Signs Not Requiring a Permit
8.20.080	Signs in Residential Zones
8.20.090	Signs in Commercial and Industrial Zones
8.20.100	Lighting of Exterior Signs
8.20.110	Conflict and Severability
8.20.120	Violation and Penalty

8.20.010 – Purpose, Scope and Definitions. This Chapter regulates the erection placement and maintenance of signs to protect and enhance public health, safety, welfare and property, more specifically to:

- A. Purpose. The purposes of this sign code are:
1. Allow those signs compatible with the character and uses allowed in the zoning district in which they are located when it is demonstrated that the sign meets the applicable objective standards in this Chapter.
 2. Provide a review and permitting process for signs and a process by which those that are unable to meet all of the standards can obtain a modification to those standards so long as the sign is, or can be made to be, compatible with the character and uses allowed in the district, given the specific location and other factors.
 3. Maintain the effectiveness of traffic and other governmental signs.
 4. Prohibit certain signs or portions thereof that interfere with the safe movement of people and emergency services, constitute a public nuisance or hazard, are of unsafe construction, or distract motorists and others in the public right-of-way by their dominating size, appearance, flashing or motion.

5. Maintain and enhance the high scenic and aesthetic qualities of the city given its scenic and historic setting in the Columbia River Gorge National Scenic Area.

B. Scope. All signs, including sign structures and display areas or building walls with lettering on them shall be erected and maintained only as provided by this Chapter, except for the following:

1. Signs not visible from either a public right-of-way or property under different ownership, provided such signs shall be erected and maintained in accordance with applicable law.
2. Signs owned and maintained by governmental agencies.
3. Signs inside a building, except for strobe lights or floating lights visible from a public right-of-way, private road or other private property.
4. Signs carved into or part of materials that are an integral part of a building.

C. Definitions. The following definitions shall control the interpretation of this Chapter:

1. “Abandoned Sign” includes a sign with any of the following characteristics (a) a sign that does not have copy on the display surface for a period of 6 months or more, (b) a sign advertising a business or activity that is no longer conducted on the premises, and (3) an obsolete sign.
2. “Billboard” means a sign with a display surface area of 200 sq. ft. or more.
3. “Display Surface Area” means the total area of a sign that is available for displaying advertising or an informational message, subject to the provisions of this Chapter.
4. “Erect” or “erected” means to construct, build, assemble, alter, place, affix, attach, create, recreate, paint, draw or in any way bring into being or establish.
5. “Free-standing sign” means a sign supported from the ground by its own structure.
6. “Fence” and “fencing” mean any barrier or section thereof, other than a wall, designed to delimit a boundary or provide a visual screen.
7. “Frontage” means the continuous distance along one public street right-of-way line of one property.

8. “Governmental sign” means any sign erected, posted or maintained by a governmental entity for public purposes.
9. “Grade” means the level of the nearest sidewalk or road pavement.
10. “Incidental sign” means a small sign (1 sf or smaller) identifying or advertising associated goods, products, services or facilities available on the premises, including but not limited to, trading stamps, credit cards accepted, brand names or price signs. Incidental signs cannot be free-standing signs, but must be located on a door, window or other existing structure.
11. “Maintain,” “maintained” or “maintaining” mean activities, such as upkeep and repair of signs or sign structures and the replacement of sign messages or advertisement displayed on a sign, and an activity by which a sign or sign structure are permitted to exist.
12. “Natural materials” means wood, stone, brick and rock or any combination thereof.
13. “Obsolete sign” means a sign for which there is no current city sign permit.
14. “Portable sign” means a sign that is not permanently attached to a structure or the ground, including A-frame signs, sandwich boards, tent signs, streamers, strings of lights, balloons, banners or pennants, excepting traditional holiday decorations.
15. “Premises” means a lot or number of lots on which are situated a business, or a building or group of buildings designed as a unit.
16. “Projecting sign” means a sign projecting more than one foot from the wall of a building.
17. “Roof sign” means a sign erected or maintained wholly upon or over the roof of any building with the principal support on the roof structure.
18. “Sign” means any sign, display message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising purposes or to inform or attract the attention of the public, and the term includes the sign structure, display surface and all other component parts of a sign; when dimensions of a sign are specified, the term includes panels and frames; and the term includes both sides of a sign of specified dimensions or display surface area.
19. “Sign face” means the total of display surface area visible from one side of a sign.

20. “Temporary sign” means a sign that will become obsolete after the occurrence of an event or series of events. Temporary signs include, but are not limited to, for sale and lease signs, garage sale signs and political campaign signs. A sign that is displayed for more than 60 days no longer qualifies as a temporary sign, and a permit from the City is required for its display longer than 60 days.
21. “Traffic control sign or device” means an official route marker, guide sign, warning sign or sign directing or regulating traffic or pedestrians which has been erected by or under order of the City of Mosier, the state or federal governments.
22. “Wall” means a vertical masonry structure or the side of a building.
23. “Wall Sign” means a sign erected on a wall

8.20.020 – Permit Required.

- A. Permit Required. No sign shall be erected or maintained except as provided by this Chapter and either a permit has been issued for the sign or the sign is exempt from the permit requirement under Section 8.20.070 and 8.20.010.B.
- B. Process. Permits under this Chapter shall be processed in the following ways:
 1. A determination of compliance with applicable sign standards shall be made by the City Planner and processed as a Type I decision as prescribed in Chapter 15.07 of this code.
 2. A permit for a sign that requires modification of or deviation from the applicable standards shall be processed as a Type II decision under Chapter 15.07 of this code.

The city council shall establish a fee for sign permit applications.

- C. Changes to Existing Signs: Any sign that is structurally altered, relocated or replaced, including a change in display, text or message, shall be brought into compliance with all then-applicable provisions of this Chapter. Any modification to a sign for which a permit has been issued shall be processed in the same manner as a permit for a new sign. If there is any change in use or occupation of a site, all signs on that site shall immediately be brought into full compliance with the then-applicable provisions of this Chapter.

- D. Permit Application. Application for a sign permit, including a request for a threshold determination of compliance with standards, shall be made in writing upon forms furnished by the city recorder. A permit application fee shall accompany the application for it to be processed by the city planner. The amount of the fee shall be

according to a permit fee schedule adopted by resolution of the city council. The application shall include all plans and information necessary to establish that the proposed sign complies with all applicable requirements of this Chapter and applicable buildings, structural and life safety codes. The permit shall be valid if the sign is erected and maintained in compliance with the permit, the requirements of this Chapter, and if the applicant did not misrepresent or falsify any information supplied in the application. Any permit issued under this Chapter shall be void if no substantial physical action is taken, in accordance with the permit and the applicable requirements of this Chapter, within 90 days following the date of its issuance. Any permit issued under this Chapter shall remain in effect for the period stated on the face of the permit and so long as the sign is maintained in compliance with any permit conditions and all applicable provisions of this Chapter.

E. Approval Standards. Unless a particular sign is exempt from obtaining a permit under section 8.20.070, a permit is required for all signs. Applications for signs in the residential zone shall be processed and approved through a Type I process so long as they meet all of the requirements for the residential zone in section 8.20.080 and the lighting requirements in section 8.20.100. Applications for signs in the commercial or industrial zones shall be processed and approved through a Type I process so long as they meet all of the requirements for the commercial/industrial zones in section 8.20.090 and the lighting requirements in section 8.20.100. Where any application cannot meet all of these standards, the application may include a request to modify the standards that cannot be met; in which case the application shall be processed as a Type II permit under section 8.20.040. None of the signs listed as prohibited in section 8.20.050 is allowed anywhere in the city. Any sign permit approved by the city shall come with it the obligation that the permit holder and property owner maintain continuous compliance with all of the applicable standards of this Chapter and the permit.

F. Permit Expiration and Renewal: All permits issued under this Chapter shall be valid for a period not to exceed 2 years from the date of issuance, at which point all permits shall automatically expire and become null and void unless renewed. To renew a sign permit, the owner of the property and/or sign shall make application to the City explaining any changes from the previous application and pay an application fee. All renewed sign permits shall be subject to any new conditions imposed on the permit and to all requirements of the then-current Sign Code (MMC Chapter 8.20).

8.20.030 – Existing Signs - Conformance Required. Signs in existence on the date of enactment of this ordinance, codified in MMC Chapter 8.20, that are not in conformance with the provisions of this Chapter shall be regarded as nonconforming signs and shall be removed, altered or replaced so as to conform with the requirements of this Chapter within 6 months of its adoption, including obtaining a sign permit if there is not already a valid permit for the sign. Signs in violation of any prior sign code or ordinance shall immediately be brought into conformance with the applicable provisions of this Chapter.

8.20.040 –Sign Permit – Permit Required to Modify Applicable Sign Standards.

A. Grounds for Modification of Applicable Standards. Upon application by an applicant, the city planner may grant a specific modification of standards in this Chapter provided all of the requirements of this section are met. The city planner may, at her sole discretion, elevate the decision to the city council. The variance provisions in Chapter 15.04 of this code do not apply to modification of standards in the sign code:

1. Exceptional or extraordinary physical circumstances apply to the property that do not apply generally to other properties in the same area or vicinity. Such conditions may be the result of an unusual location or orientation of the applicant's building, topography, vegetation on another parcel or other circumstance over which the applicant has no control. The objective of this standard is not to allow larger or taller signs, but rather to provide an opportunity for a sign for a particular property where the objective standards simply cannot be met.
2. The modification of standards is necessary for the preservation of a right of the applicant substantially the same as is possessed by the owners of other property in the area or vicinity.
3. The authorization of the requested modification of standards will not be materially detrimental to, or conflict with, the purposes of this Chapter or be injurious to the use and enjoyment of other property in the area or vicinity, or the public way, in which the property is located. In particular, the requested sign is, or can be made to be, consistent with the character, use and visual aesthetic setting and the surrounding area.
4. The modification of standards requested is the minimum necessary, to alleviate the identified hardship.

B. Permit Fee. At the time of application for a sign permit authorizing modification of standards, the applicant shall pay a fee in accordance with the fee schedule established and amended from time to time by the city council and on file with the city recorder.

C. Financial Guarantee. A deposit or financial guarantee sufficient to cover the cost of removing the sign should it be abandoned or become obsolete may be required as a condition of approval of any sign permit authorizing modification of standards. If such a guarantee is required it shall be made in a form deemed acceptable by city legal counsel.

D. Procedure. Any sign permit application seeking a modification of standards to the sign code shall be processed as a Type II decision.

8.20.050 – Prohibited Signs. It is unlawful for the following signs to be erected or to be maintained anywhere in the city except as otherwise provided in this Chapter:

- A. Billboards
- B. A sign that interferes in any way with a traffic control sign or device or prevents clear and unobstructed view of official traffic control signs or devices or approaching or merging traffic (sight distance).
- C. A sign that contains, includes or is illuminated by any flashing or revolving, rotating or moving light or moves or has any animated or moving parts. This subsection does not apply to traffic control or other governmental signs.
- D. A sign with lighting that shines directly on any portion of the main traveled right-of-way of a public street, or is of such high intensity or brilliance as to cause glare, impair the vision of a pedestrian or vehicle driver in the public right-of-way, or otherwise interfere with or distract vehicle traffic.
- E. A sign attached to a tree or painted or drawn on a natural feature such as a rock outcrop or embankment.
- F. Abandoned and obsolete signs.
- G. A sign that obstructs free ingress to or egress from any door, window or fire escape, alley, drive or fire lane, or is attached to a fire escape.
- H. A sign erected or maintained on public property or within the public right-of-way without permission of the public body having jurisdiction.
- I. A sign not able to withstand a wind pressure of 20 pounds per sf. of exposed surface, or is insecurely erected, or is constructed so as to constitute a fire hazard.
- J. A sign not maintained in a safe, neat, clean and attractive condition and in good repair.
- K. Any sign larger than 4 sq. ft. on an undeveloped lot or parcel of property.
- L. A sign not otherwise in compliance with any provision of this code, Oregon law or the terms and conditions of any valid sign permit issued under this Chapter.
- M. Signs on fences or fencing.
- N. Roof signs.
- O. Any sign for which a permit is required but has not been approved.
- P. Any sign that might be confused with a governmental sign.

8.20.060 – Removal of Abandoned and Obsolete Signs.

- A. A sign shall be removed within 30 days by the owner or lessee of the premises upon which the sign is located when the advertised business or activity is no longer conducted on the premises. Abandoned signs may be removed by the city and its costs may be recovered and collected as provided in Chapter 2.10 of this code or taken from the deposit or financial guarantee provided under MMC 8.20.040.
- B. Off-site outdoor advertising signs where a person has merely leased or contracted advertising space need not be removed under this section.

8.20.070 – Signs Not Requiring a Permit. In any zoning district, the following signs may be erected and maintained without a permit, so long as they comply with all applicable provisions of this Chapter and are not illuminated:

- A. Up to 5 temporary signs per street frontage of property under a single ownership provided such a sign does not cause a public safety hazard or nuisance, has no more than two faces, and that no sign face exceeds 4 sq. ft. in area.
- B. Signs carved into a building or which are part of materials that are an integral part of the building not exceeding 10 sq. ft. in area. This subsection does not include signs painted on sides of buildings.
- C. A single sign where the display surface area does not exceed 2 sq. ft.
- D. Window signs situated on the indoor-side of a window or door.
- E. Flags.
- F. Signs attached to, or carried by, a person.
- G. Signs required by law or legal action, such as signs warning of hazardous or dangerous conditions on a premises and land use application and hearing notice signs.
- H. Governmental signs.

8.20.080 – Signs in Residential Zones. Signs are allowed in the R-5 and R-10 districts so long as the following display requirements and any other applicable requirements of this Chapter are met and a permit is obtained before the sign is displayed:

- A. Billboards and any other signs that are specifically prohibited are prohibited.

- B. Not more than one wall sign or free-standing sign to be visible from each frontage, with no more than three frontages. Wall signs shall be measured by the outer limits of the lettering, illustration or other display.
- C. Maximum 4 sq. ft. of area per sign face.
- D. A maximum height of 5 feet measured from grade to the highest part of the sign or support structure.
- E. Sign shall be setback from the street as determined by the city planner, but not more than 10 feet from the street right-of-way.
- F. If illuminated, the source of illumination shall be external to the sign and comply with lighting standards in section 8.20.100 of this Chapter.

8.20.090 – Signs in Commercial and Industrial Zones. The following signs are allowed in the C and I zoning districts so long as a permit is obtained before displaying the sign and all of the standards of this section and any other applicable requirements of this Chapter are met:

- A. Wall signs, so long as the display surface area is no larger than 20 sq. ft.
- B. Free-standing signs, so long as the following standards are met:
 1. Number. One free-standing sign shall be permitted for each street frontage of a property, so long as there is at least 25 feet of street frontage. Where a property has at least 25 feet of frontage on more than one street, one free-standing sign is allowed per frontage so long as the signs are separated by at least 50 feet.
 2. Area. Maximum area is 12 sq. ft.
 3. Projection. Free-standing signs shall not project into or over a public right-of-way.
 4. Height. The height of any free-standing sign shall not exceed 12 feet above grade.
- C. Projecting Signs. Projecting signs are allowed so long as the following standards are met:
 1. Number. One projecting sign is permitted for each street frontage where there is not already a free-standing sign, i.e., each street frontage may have a free-standing sign or a projecting sign, but not both.

2. Area. Sign area shall not exceed 8 sq. ft. per sign face, with total area of all sign faces not to exceed 16 sq. ft.
3. Projection. Maximum projection from a building wall shall be 4 feet. No sign shall project any closer than 2 feet from the curb line.
4. Vertical Dimension. The greatest vertical dimension of a projecting sign shall not exceed 4 feet; provided, however, for any reduction in projection, the sign may be increased in height a like distance. The maximum vertical projection of the sign shall not exceed the height of the wall upon which the sign is erected. The visible supporting structure shall be minimized to the greatest extent possible consistent with safe structural support.
5. Clearance. A minimum clearance of 10 feet from grade shall be maintained over pedestrian or vehicular areas, 14 feet over areas of truck access.
6. Separation. The minimum distance from another projection signs shall be 20 feet in the same horizontal plane.
7. Projecting Signs on Other Project Structures: awnings, marquees, canopies, false fronts and wall extensions, safety constructed and approved by the Building Code Official, may not extend beyond the limits for projecting signs. Projecting signs on such structure, shall not exceed the limits as to number, area, projection, vertical dimension, clearance and separation as provided for any projecting sign. The only exception shall be for those instances in which a projecting structure would prohibit a projecting sign within sight of pedestrians, in these instances, the clearance under the marquee or other permanent structure may be reduced to 8 feet.

D. Incidental Signs. Any number of signs that meet the definition of “incidental sign” may be attached to existing structures on the property.

E. Portable Signs. One portable sign is allowed per street frontage so long as the surface display area of the portable sign does not exceed 8 sq. ft., and the total area of all portable sign faces does not exceed 16 sq. ft.

8.20.100 – Lighting of Exterior Signs. Businesses open to the public during hours of darkness shall be allowed limited exterior lighting to enable patrons to find and identify the business. These lights shall be turned off when the business is closed.

- A. Number. One per 3 sq. ft. of sign area, or one for each side of a double-faced hanging sign.
- B. Design and mounting of lights shall be:

1. Small, bullet-type fixtures painted to match surroundings.
2. Mounted to nearby building element (wall, eave, post, etc.) or incorporated into support bracket.
3. Architecturally compatible with building or mounted to be recessed or shielded or otherwise not readily visible to pedestrians.
4. Aimed directly toward sign but not toward eye level of pedestrian or vehicle traffic.
5. Designed and located to avoid creating a distracting or hazardous condition to a motorist, pedestrian or the general public.
6. Distinct from traffic signal lighting. Colored lights shall not be used at any location or in any manner if they can be confused with traffic-control devices.
7. Constant and consistent. Flashing, intermittent, revolving, rotating or moving lights are prohibited.

8.20.110 – Conflict and Severability. In the event any provision herein is found to be in conflict with any zoning, building, fire safety, health or other code provisions of the city, the provision which establishes the higher standard for the promotion and protection of the health, safety and welfare of the people shall prevail. A finding by a court of competent jurisdiction that any portion of this Chapter is invalid shall not invalidate the remaining portions. A permit issued pursuant to this Chapter does not grant any authority to violate any other law or regulation that may apply.

8.20.120 – Violation and Penalty. In addition to any other provisions hereof, it is unlawful for any person to maintain a sign or advertising structure in violation of the provisions of this Chapter, and the violation shall be deemed a nuisance. Violation of any provision of this Chapter shall constitute a nuisance and civil infraction, subject to enforcement under Chapter 2.10 of this code.