

**CITY COUNCIL WORK SESSION
JUNE 17, 2013
6:00 P.M.
NEWBERG PUBLIC SAFETY BUILDING
401 EAST THIRD STREET**

WORK SESSIONS ARE INTENDED FOR DISCUSSION. NO ACTION WILL BE TAKEN ON THE AGENDA ITEMS AND NO DECISIONS WILL BE MADE. NO ORAL OR WRITTEN TESTIMONY WILL BE HEARD OR RECEIVED FROM THE PUBLIC.

- I. CALL MEETING TO ORDER**
- II. ROLL CALL**
- III. REVIEW OF COUNCIL AGENDA AND MEETING**
- IV. COUNCIL ITEMS**

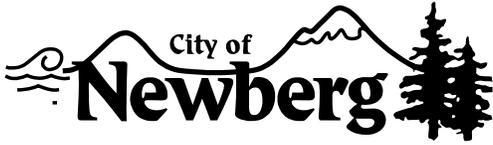
Presentation on Newberg's regulations regarding portable and temporary signs.

- V. ADJOURNMENT**

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

In order to accommodate persons with physical impairments, please notify the City Recorder's Office of any special physical accommodations you may need as far in advance of the meeting as possible and no later than 48 business hours prior to the meeting. To request these arrangements, please contact the city recorder at (503) 537-1283. For TTY service please dial 711.

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MEMORANDUM

Date: May 29, 2013

To: Mayor Andrews, Newberg City Councilors

CC: Cody Gardner, Code Enforcement Officer, Steve Olson, Associate Planner

From: Barton Brierley, AICP
Planning and Building Director

RE: June 17, 2013 Work Session on Portable and Temporary Signs

At your June 17, 2013 work session, we will review the city's regulations regarding portable and temporary signs. The purpose is to familiarize the council with the purpose of the regulations as well as the regulations themselves.

Purpose of Sign Code

The purpose of the sign code is stated in the code itself:

A. The citizens of Newberg desire a clean, attractive, economically vibrant, and safe community. Well-planned and constructed signs can contribute to the community's success by directing and informing the public about commercial and other activities, and by creating attractive commercial and other neighborhoods. On the other hand, unregulated signage can create clutter, distractions, and hazards.

B. These regulations are designed:

- 1. To improve, maintain and preserve Newberg as a pleasing environment so as to improve the quality of life of all residents.*
- 2. To enhance the attractiveness of Newberg as a place to conduct business.*
- 3. To enable the identification of places of residence and business.*
- 4. To allow freedom of expression.*
- 5. To reduce distractions and obstructions from signs which would adversely affect safety.*
- 6. To reduce the hazards from improperly placed or constructed signs.*

In addition, the Newberg Comprehensive Plan Policy J.3.c says:

The City shall maintain sign regulations to help create a business environment that is attractive to customers and citizens. The City and appointed committees shall seek to eliminate signs that detract from the aesthetics of commercial areas and that violate adopted sign design regulations.

Regulations on Portable and Temporary Signs

The sign code allows businesses and residents to place both portable and temporary signs on their premises within certain parameters. A **portable sign** is one that is easily removed. Examples include A-frame signs, banners, posters, and pennants. A **temporary sign** is a portable sign that is limited to being up only for a certain number of days or a particular time frame.

Portable sign rules

The main rules on portable signs are:

- (1) **Number:** Only one portable sign is allowed on each street frontage.
- (2) **Size:** The size is limited. In commercial zones, the one portable sign cannot be more than 12 square feet if in the front yard, or 40 square feet if elsewhere.
- (3) **Location:** The one portable sign per frontage cannot be in the public right-of-way, except downtown (C-3).

Temporary sign rules

In addition, the sign code allows additional signs during particular events:

- (1) Grand opening events (30 day event after opening)
- (2) Election event (90 days before and 14 days after an election)
- (3) "Other" event (8 day event twice a year at the property owner's choosing)

Flags

The sign code allows one flag display (flags on one pole) per lot. Note that flags can be of any type, including commercial advertising.

Important considerations for any sign code

- (1) **Content neutral:** Sign codes cannot regulate the content of the sign, only the type, number, size, location, and similar content neutral rules. Signs cannot be distinguished by content, such as "real estate signs," "election signs," or "directional signs." This also means that while some signs

might be provocative, the city cannot treat them any differently than other signs. In addition, it makes it very challenging to distinguish based on quality such as a “professional, clean and tasteful sign” vs. a “tacky homemade cardboard sign.”

(2) **Uniform application:** It is important that sign codes be uniformly applied.

Attachments:

1. Newberg Code regarding portable signs
2. Sign Examples

Newberg Codes Regarding Portable and Temporary Signs

15.435.010 Purpose.

A. The citizens of Newberg desire a clean, attractive, economically vibrant, and safe community. Well-planned and constructed signs can contribute to the community's success by directing and informing the public about commercial and other activities, and by creating attractive commercial and other neighborhoods. On the other hand, unregulated signage can create clutter, distractions, and hazards.

B. These regulations are designed:

1. To improve, maintain and preserve Newberg as a pleasing environment so as to improve the quality of life of all residents.

2. To enhance the attractiveness of Newberg as a place to conduct business.

3. To enable the identification of places of residence and business.

4. To allow freedom of expression.

5. To reduce distractions and obstructions from signs which would adversely affect safety.

6. To reduce the hazards from improperly placed or constructed signs. [Ord. 2499, 11-2-98. Code 2001 § 151.590.]

15.435.090 Portable signs.

A. Number. Not more than one portable sign may be located on any one street frontage, except temporary signs allowed per NMC 15.435.100.

B. Size.

1. Residential Zones.

a. Residential Uses. One portable sign not to exceed six square feet.

b. All Other Permitted Uses. One portable sign not to exceed six square feet if located in the front yard, or 16 square feet if located elsewhere on the property.

2. Other Zones. The one portable sign may not exceed 12 square feet if located in the front yard, or 40 square feet if located elsewhere on the property.

C. Design. No portable sign shall be permanently affixed to any structure or the ground. No portable sign shall be attached to a tree or utility pole. All signs shall be designed to be removed quickly. No portable sign shall be animated or internally illuminated. No readerboard shall be used as a portable sign, except as a temporary sign as permitted NMC 15.435.100.

D. Location. No portable sign shall be located within the public right-of-way except as allowed under NMC 15.435.110.

E. Height. The height of a portable sign shall not exceed the maximum height of buildings in that zone. [Ord. 2499, 11-2-98. Code 2001 § 151.598.]

Penalty: See NMC 15.05.120.

15.435.100 Temporary signs for events.

In addition to the portable signs otherwise permitted in this code, a lot may contain temporary signs in excess of the number and size allowed by NMC 15.435.090 during events as listed below:

A. Grand Opening Event. A grand opening is an event of up to 30 days in duration within 30 days of issuance of a certificate of occupancy for a new or remodeled structure, or within 30 days of change of business or ownership. No lot may have more than one grand opening event per calendar year. The applicant shall notify the city in writing of the beginning and ending dates prior to the grand opening event. If there are no freestanding signs on a frontage after the grand opening event, one of the temporary signs may remain on the property for the 60 days immediately after the end of the grand opening event. A temporary electronic message center may be used during a grand opening event.

B. Election Event. An election event begins 90 days prior to and ends 14 days after any public election. During this event a lot may contain up to two additional temporary signs, not to exceed 12 square feet in total area for both signs. These signs shall not be located in the public right-of-way.

C. Other Events. A lot may have two other events per calendar year. The events may not be more than eight consecutive days in duration, nor less than 30 days apart. A temporary electronic message center may be used during the event.

D. Flag Displays. One flag display is permitted on each street frontage. An unlimited number of displays is permitted on any legal holiday or Newberg city council designated festival. [Ord. 2731 § 3, 10-18-10; Ord. 2499, 11-2-98. Code 2001 § 151.599.]

Penalty: See NMC 15.05.120.

15.435.110 Signs within the public right-of-way.

A. Public signs are permitted in the public right-of-way as permitted by the governmental agency responsible for the right-of-way.

B. For lots in the C-3 and C-4 zones, the one allowed portable sign per street frontage may be located, without permit, in the public right-of-way fronting that lot, provided it meets the following standards:

1. The sign may not be less than two feet nor more than four feet high.
2. The sign may not be located within the vehicular path.
3. If located on a sidewalk, the sign must leave a clear area of at least five feet measured horizontally and may not be located on a wheelchair ramp.
4. If the sign is located adjacent to a striped on-street parking area, the sign must be located adjacent to the stripe.
5. The sign may not be located within three feet of a fire hydrant.
6. The sign must be removed during nonbusiness hours or hours the adjoining property is uninhabited.
7. The property owner abutting the right-of-way shall grant permission for any sign, other than a public sign, that is placed within that right-of-way fronting the property owner's lot.
8. If more than one sign is located in the right-of-way fronting one lot, all signs may be forfeited as per subsection (E) of this section.

C. For lots in other zones, one portable sign per street frontage may be allowed in the public right-of-way, provided:

1. The applicant first obtains a sign permit from the director approving the location of the sign. Approval is at the sole discretion of the director. The permit shall be affixed to the sign.

2. The standards of subsections (B)(1) through (B)(6) of this section are met.

D. No other signs shall be placed within the public right-of-way except as specifically permitted by this code.

E. Any sign installed or placed in the public right-of-way, except in conformance with the requirements of this code, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign. Identifying information on the sign shall be prima facie evidence that the individual or entity so identified is the violator. [Ord. 2706 § 1 (Exh. A(2)), 10-6-08; Ord. 2564, 4-15-02; Ord. 2499, 11-2-98. Code 2001 § 151.600.]

Penalty: See NMC 15.05.120.

15.05.030 Definitions.

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“Sign” means any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. **“Sign”** includes banners, flags, balloons with graphics, letters, or advertising, and murals.

“Sign, animated” means a sign that has a display that changes more than once in any 10-minute period.

“Sign area” means the area of a sign which is computed by means of the smallest square, circle, rectangle, triangle, or combination of the smallest square, circle, rectangle, or triangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the requirements of this code and is clearly incidental to the display itself. The sign area for a sign with more than one face shall be computed by adding the area of all sign faces visible from any one point. When two sign faces are placed back to back or at an angle of less than 45 degrees to one another so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of the largest face (see Appendix A, Figure 16).

“Sign, attached” means any sign attached to any part of a building, as contrasted to a freestanding sign. Attached signs are of two types:

1. **Minor Attached.** A sign not to exceed six square feet in area (three square feet in residential zones) that does not extend above the roof line of the building it is attached to.

2. **Major Attached.** All other attached signs.

“Sign, freestanding” means any sign supported by structures or supports that are anchored in the ground and that are independent from any other building or structure. Freestanding signs are of two types:

1. **Minor Freestanding.** A freestanding sign that is less than or equal to six square feet in area (three square feet in residential zones) and three feet in height.

2. **Major Freestanding.** All other freestanding signs.

“Sign, portable” means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to: signs designed to be transported by means of wheels; signs connected to A- or T-frames; menu and sandwich board signs; umbrellas, balloons, flags, or banners containing signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said sign is permanently affixed to the vehicle and said vehicle is licensed for movement on public streets.

“Sign, public” means any sign that is placed within public right-of-way by or under direction of a governmental agency.

“Sign, temporary” means a portable sign that is limited by law to placement for a specified period of time.

Portable Sign Examples



Portable Sign Examples



Temporary Sign Examples





238 East 39th Street, Vancouver, Washington, United States
Address



39th Street Mini...









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