

RESOLUTION No. 2013-3059

A RESOLUTION ADOPTING A POLICY ON MOTORIST INFORMATION FOLLOW UP SIGNS ON CITY STREETS

RECITALS:

1. The State of Oregon regulates the placement of tourist oriented directional signs, specific service signs, museum and historic site signs, and similar signs along state highways. Occasionally the state requests applicants for these signs to place follow up signs on city streets.
2. The city needs a formal process to consider requests for such follow up signs.
3. Such signs should be viewed as traffic control devices and not as opportunities to advertise businesses or other facilities on city streets.
4. The applicants for such follow up signs should pay all costs associated with placing and maintaining the follow up sign, plus an annual fee.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. **Purpose.** This resolution establishes a policy regarding follow up signs to motorist information signs on state highways where the follow up sign is required by the state and requested by an applicant to be placed within city right-of-way. The purpose is to promote traffic safety by directing tourists to destinations where they may not be familiar with the proper route or turning movements. The purpose is not to facilitate advertising of businesses or other entities within the public right of way.

Follow up signs under this resolution are city owned traffic control devices. It is entirely under the city's discretion to place, maintain, and remove them. This policy is not intended to create any right to any such follow up signs.

The resolution requires the operator of the destination facility to pay all costs associated with the follow up sign, plus an annual fee.

2. **Definitions.**

- a. "Follow up sign" means a traffic control sign on city right-of-way that directs motorists to a destination as a follow up to corresponding Tourist Oriented Directional Sign, Specific Service Sign, Museum and Historic Site Sign, or similar sign on a state highway as approved by the Oregon Travel Information Council. It excludes a General Service Sign.
- b. Other terms in this resolution are as defined in the ORS 377, OAR 733 Division 30, and the Manual on Uniform Traffic Control Devices (MUTCD).

3. **Applicability and Eligibility.**

- a. The applicant for the follow up sign on city right-of-way must have an approved application for a

Tourist Oriented Directional Sign, Specific Service Sign, Museum and Historic Site Sign, or similar sign from the Oregon Travel Information Council. The approval must require the follow up sign.

- b. The destination facility must be located within the Newberg city limits.
- c. The city manager may waive any requirements of this resolution if the entity is the City of Newberg or a public entity. Signs subject to the terms of an approved intergovernmental agreement shall follow the terms of that agreement.

4. Application process. The applicant shall file an application for a follow up sign on a form determined by the city engineer. The application shall contain:

- a. Evidence that the applicant has authorization to file on behalf of the operator of the destination facility.
- b. A copy of the state application and any approval letter. If the applicant is applying concurrently to the state, the application may be reviewed but will not get final approval until the state approves.
- c. Diagrams and photos of the requested location of the follow up sign.
- d. The application fee.
- e. Any other such information determined by the city engineer.

5. Application review. The city engineer shall review the application in accordance with the following:

- a. The city engineer will determine the appropriate location for the sign considering the spacing of signs, standards of the MUTCD, other signs and objects at the location, and any other physical factors. The sign shall not be placed if existing traffic control devices or street trees would need to be removed only to accommodate the follow up sign. If no appropriate location exists, the application shall be denied.
- b. The number of signs for any qualifying destination facility shall be the minimum necessary to allow direction to the facility from the state highway. In no case shall more than two follow up signs be permitted. If multiple follow up signs are allowed, they shall be on shared posts where appropriate.
- c. The follow up sign will not be approved if an approved sign on private property reasonably could serve the same purpose.
- d. The city engineer shall consider the potential impact of the follow up sign on existing properties at the proposed location. The city engineer may require notice be sent to property owners or tenants near the proposed follow up sign location. The notice shall provide for a 14-day comment period prior to making a decision.

6. Fees and Costs.

- a. The applicant shall pay an initial application fee to have the request reviewed. The initial fee shall be \$200.00. This fee is non-refundable.

- b. If the application is approved, the applicant shall pay the estimated costs of installation and the first bi-annual fee. If the estimate exceeds the actual cost of installation, the city will refund the excess. If the estimate is less than the actual cost, the applicant shall remit the difference within 60 days of billing, or the sign will be removed.
- c. If the name of the business or destination facility changes, the applicant may request a replacement sign panel. The applicant shall pay the cost of fabrication and installation of the replacement panel in the same manner as noted above.
- d. The applicant shall pay a bi-annual fee for each sign. The initial fee shall be \$100.00 per sign for a two-year period. If the applicant fails to pay the bi-annual fee within 60 days of the due date, the city will remove the sign and dispose of the materials. A request to the replace sign after that will be subject to a new application.
- e. The city manager may adjust these fees annually for inflation.

7. Sign Specifications

- a. The follow up sign shall meet the standards from the Manual on Uniform Traffic Control Devices.
- b. The sign shall have a blue background (or brown for museum and historic site signs) with white reflective lettering.
- c. The wording of the sign shall be limited to the type of service and the official name of the entity. It may not contain a logo or advertising.
- d. Specifications shall be determined by the city engineer.

8. General Provisions

- a. The follow up sign and post will remain the property of the City of Newberg.
- b. The city's approval for the follow up sign is granted to the business or operator of the facility, not the owner of the destination property. Change of the destination or facility to a different type of business or use requires removal or re-approval of the follow up sign.

9. Sign removal. The city public works department shall remove the follow up sign:

- a. If the applicant fails to pay the maintenance fee with 60 days of the due date. In such case the city will remove the sign and dispose of the materials. A request to the replace sign after that will be subject to a new application.
- b. When the destination facility is no longer operating.
- c. If the State of Oregon removes the corresponding motorist information sign from the state highway.
- d. For any other reason determined by the city engineer.
- e. If the sign is destroyed, damaged, or worn to the extent it needs replaced. In these cases the city

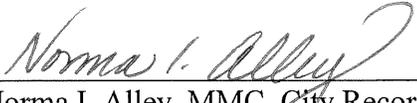
engineer shall notify the applicant of the need to replace the sign. To replace the sign, the applicant shall pay the cost of fabrication and installation of the replacement panel in the manner noted above. Otherwise the sign shall be removed.

10. Appeals. Any party aggrieved by a decision of the city engineer may appeal the decision to the city manager with 14 days of the decision.

11. Findings. The findings shown in Exhibit "A" are hereby attached. Exhibit "A" is hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: July 2, 2013.

ADOPTED by the City Council of the City of Newberg, Oregon, this 1st day of July, 2013.



Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 3rd day of July, 2013.



Bob Andrews, Mayor

**Exhibit "A" to
Resolution No. 2013-3059
Findings**

Newberg Comprehensive Plan Policy J.1.g.

Community appearance should continue to be a major concern and subject of a major effort in the area. Street tree planting, landscaping, sign regulations and building improvements contribute to community appearance and should continue to be a major design concern and improvement effort.

Newberg Comprehensive Plan Policy J.3.c.

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.

Newberg Comprehensive Plan Policy K.4.g.

Minimize the use of local and minor collector streets for regional traffic through application of traffic calming measures as traffic operations and/or safety problems occur.

Finding: In accordance with the policies above, the city should not approve additional directional advertising within its right-of-way. The motorist information follow up signs are a recognized traffic control device. As such, they actually can improve the safety of local street by properly directed those from outside the community to particular destinations, without getting side tracked onto local roadways.