

# WHEELER SIGN ORDINANCE, 99-02

1

Section 1. The City of Wheeler Ordains as follows:

Section 2. Section 11.100, Sign Requirements and references to sign regulations be deleted from the Wheeler Zoning Ordinance.

## CONTENTS:

- 1.0 Purpose
- 1.1 Definitions
- 1.2 General Provisions
- 1.3 Sign Permit and Application Procedure
- 1.4 Sign Permit Allowances
- 1.5 Sign Illumination
- 1.6 Sign Height Restrictions
- 1.7 Sign Materials and Construction Methods
- 1.8 Sign Maintenance
- 1.9 Signs Not Requiring Permits
- 2.0 Signs Prohibited
- 2.1 Variances & Appeals
- 2.2 Enforcement and Penalties

1.0 **PURPOSE:** The purpose of this Ordinance is to regulate the indiscriminate use of both on premise and off premise signage, thereby preserving the natural beauty and aesthetic features of Wheeler and its' adjacent areas. It is the policy of the City of Wheeler to promote public safety and accordingly, this Ordinance regulates such factors as the type, size, number, location, illumination, construction, and maintenance of signs within the City of Wheeler.

### 1.1 DEFINITIONS:

- A. **Sign.** Any identification, description, illustration, banner, mural, symbol, logo or device sited within the City of Wheeler and which directs attention to a product, place, service, activity, event, person, real estate, institution or business.
- 1. **Permanent:** A sign affixed to land, a building or structure, or represented thereon and intended by design, purpose or actual usage to exist for a long, indefinite period, not a temporary sign as defined below, and not exceeding twenty-four (24) square feet in total sign area.
  - a. **Off-Premises.** A permanent or temporary exterior sign not exceeding twenty-four (24) square feet in total sign area and which advertises or directs attention to a business, product, service, event or activity that is conducted, sold, offered or takes place on premises other than that upon which the sign is located.

## WHEELER SIGN ORDINANCE, 99-02

2

- b. **Readerboard or Directory.** A permanent exterior sign not exceeding twenty-four (24) square feet in total sign area and comprised of several signs which can be removed individually or whose copy can be changed without damaging the integrity of those remaining.
    - c. **Bench.** A permanent sign, not exceeding twelve (12) square feet in total sign area, represented on the surface of or forming an integral part of the bench design.
  2. **Temporary.** A sign not affixed to land, a building, or structure, or represented thereon, and intended by design, purpose or actual usage to exist or function for a short, limited duration and not exceeding twenty-four (24) square feet of total sign area.
    - a. **Sandwich Board or A-Board.** A temporary sign triangular in profile having two faces and not exceeding twenty-four (24) square feet in total sign area.
  3. **Event-related.** A temporary sign advertising an event sponsored by a non-profit and tax-exempt organization, service group, or a licensed commercial or industrial business, not exceeding twenty-four (24) square feet in total sign area, and displayed for a period of no more than three (3) consecutive days, at anytime during regular or extended business hours. (See section 1:4E exception).
  4. **Multi-faccd.** A permanent or temporary sign having more than two (2) faces and not exceeding twenty-four (24) square feet in total sign area.
  5. **Exterior.** Any permanent or temporary sign displayed outside of a building, whether on the building itself, the land on which the building is situated, or on vacant land.
  6. **Interior.** A permanent or temporary sign displayed within a building or structure.
  7. **Illuminated.** A permanent or temporary sign which radiates light by transmission or is purposely illuminated by any other means and is visible from any public property or right-of-way.
  8. **Sign Area.** The overall dimensions of the surface(s) displaying the advertising or informational message.
  9. **Non-conforming.** A sign existing at the effective date of this Ordinance and subject to, but not in compliance with, the provisions of this Ordinance.
  10. **Frontage.** The linear feet of a building that adjoins a public road or road right-of-way.
  11. **Premises.** The land upon which any building is situated, including the building itself and any business housed therein.

## WHEELER SIGN ORDINANCE, 99-02

12. Event. An activity or form of entertainment not offered during the normal course of business by the sponsoring business or organization, during regular or extended business hours, and not of a continuing nature. Sales, clearance, and specials are not considered events.

### 1.2 GENERAL PROVISIONS:

- A. It shall be unlawful for any person, business or organization to place, erect or maintain any sign within this City except as specifically provided for herein. If any aspect of the sign is not clearly provided for within this Ordinance, a variance application must be made to the Wheeler City Recorder, who will forward the application to the Wheeler Planning Commission, for its' consideration of the variance request in accordance with Section 2.1 of this Ordinance.
- B. No sign shall be sited on public (City) property except as specifically provided for herein. Signs shall not extend over a City street right-of-way, except over public sidewalks, in which case the bottom of the sign must be at least 80 inches above the sidewalk.
- C. Non-conforming Signs.
  1. Any non-conforming sign used by a business or a business complex must be brought into conformance with the requirements of this Ordinance prior to any expansion or change in use of the business or business complex concerned. No building permit for new construction shall be issued without full compliance with this provision.
  2. If any non-conforming sign is damaged or altered by any cause to an extent exceeding fifty percent (50%) of its replacement cost, it shall be reconstructed in conformance with the provisions of this Ordinance.
  3. All permanent signs must comply with the provisions of this Ordinance within three (3) years of the effective date of this Ordinance.
  4. All temporary signs shall come into conformance with the provisions of this Ordinance sixty (60) days from the effective date of this Ordinance.
  5. Signs for which a variance has been granted by the City are exempt only from the provisions of this Ordinance for which the variance was granted.

### 1.3 SIGN PERMIT AND APPLICATION PROCEDURE:

- A. At the time of application for a business license, the applicant will also receive an application for a sign permit and a handout summarizing sign criteria. No sign permit shall be issued by the City Recorder until the applicant has filed for or received a business license, unless the applicant is not required to be licensed.

## WHEELER SIGN ORDINANCE, 99-02

4

- B. Application for a sign permit shall be acquired from and made with the City Recorder, who is responsible for the review, approval or denial of the application.
- C. Applications for signs located on Highway 101 right-of-way within Wheeler City limits must be made to the Oregon Department of Transportation (ODOT) and a copy of their approval placed on file with the City Recorder.
- D. Required Information for a Permit. An accurate rendition of the sign drawn to scale and indicating dimensions, colors, materials, letter style, lighting, location on building or property, the size, dimensions, and location of all other sign(s) located on the applicant's building or property, and the applicant's name, address and telephone number.
- E. Sign Permit Fee. The fee for a sign permit shall be based on the City of Wheeler Fee Schedule and shall be paid when the permit application is filed with the City Recorder.

### 1.4 SIGN PERMIT ALLOWANCES:

- A. The issuance of a sign permit to organizations not required to be licensed, yet sited within the City's Commercial or Industrial Zones, and licensed businesses within Residential Zones, limits the display of signage to that described within the approved permit application, provided the total sign area does not exceed that of the sign's type described in Section 1.1 of this Ordinance.
- B. The issuance of a sign permit to other licensed businesses or organizations sited within the City of Wheeler allows the licensee to display any of the signs described in this Section, provided the total sign area of the signs displayed does not exceed forty-eight (48) square feet.
- C. Permanent Signage:
  - 1. One (1) or more permanent on-premises signs, not exceeding twenty-four (24) square feet per sign, displaying the name or type of business or service offered by the licensee.
  - 2. One (1) Directory or Readerboard sign, on premises, per building occupied by a group of licensees on the same premises. An additional individual permanent sign identifying the licensee and not exceeding eight (8) square feet is also permitted in this instance.
  - 3. One (1) permanent off-premises sign only shall be allowed a licensee.
  - 4. One (1) bench sign only shall be allowed a licensee. If sited off-premises, it shall be defined as a permanent off-premises sign.

## WHEELER SIGN ORDINANCE, 99-02

5

5. Within the City of Wheeler, banners, pennants, streamers, spinners, wind-socks, kites, balloons, and the like, which move or are supported as a result of air pressure, may be part of the permanent signage allowed a licensed commercial or industrial business if the business sells them and their business license so reflects.

Such devices may be part of the temporary signage of any licensed or permitted business sited in a non-Residential Zone.

### D. Temporary Signage:

1. One (1) temporary sign (on premises only) plus two (2) event-related signs shall be allowed a licensee.
2. A temporary sign displayed to identify a newly licensed business or organization until a permanent sign is acquired may be permitted by the City Recorder. The applicable permit fee will be required, as though a permanent sign were being permitted.
3. Two (2) event-related signs only shall be allowed a licensee. They shall be displayed only on the days the event is conducted, on premises or other private property with the owner's permission. Non-profit and tax-exempt licensees may display event-related signs two (2) days prior to and during the event, on premises or other private property with the owner's permission.

### E. Temporary Event-related Signage to be sited on public (City) property:

1. Two (2) event-related signs not exceeding forty-eight (48) square feet each in total sign area may be displayed on public (City) property by a registered non-profit and tax-exempt organization, provided an application is filed with the City Recorder thirty (30) days prior to the proposed event and said event, its site, theme, sign siting, hours, and duration are approved by the City Council. Such signs may be temporarily affixed to public (City) land, and shall not be displayed prior to fourteen (14) days before the event and must be removed within two (2) days following completion of the event. Incidental booth and informational signs sited within the approved site of the event are allowed only during the duration of the event.

## 1.5 SIGN ILLUMINATION:

- A. Light from or illuminating a sign within the City of Wheeler shall be directed away from a Residential use or zone, shall not move or flash, create or reflect excessive glare and shall not be located so as to detract from or impair a motorist's vision or view of traffic signs or signals, or vehicular or pedestrian traffic.

## WHEELER SIGN ORDINANCE, 99-02

6

- B. Light from or illuminating signs of licensed businesses or permitted organizations located within a Residential zone shall not move or flash, create or reflect excessive glare and shall not be located so as to detract from or otherwise impair the enjoyment and aesthetic quality of the neighborhood.

### 1.6. SIGN HEIGHT RESTRICTIONS:

- A. No sign shall exceed the height restrictions of the zone in which it is located.

### 1.7. SIGN MATERIALS AND CONSTRUCTION METHODS:

- A. Signs shall be constructed of durable material.
- B. Construction methods shall be per the Uniform Building Code.

### 1.8. SIGN MAINTENANCE:

- A. The licensed business or business complex is required to keep their sign(s) clean, readable and well maintained.
- B. The City shall notify the owner of the real property where a sign has been abandoned or allowed to fall into disrepair and shall require reasonable repair, replacement or removal within thirty (30) days. If compliance does not occur within the thirty (30) day period, the City is authorized to cause removal or repair of such signs at the expense of the party so notified.

### 1.9. SIGNS NOT REQUIRING PERMITS:

- A. Public memorial tablets, cornerstones or plaques and on-premises signs identifying certified historical sites.
- B. All publicly owned and maintained street, traffic, warning, directional and regulatory signs.
- C. Oregon Department of Transportation signs and Travel Information Council signs.
- D. Government and other public organizations' identification, informational and directional signs.
- E. Flags of national and state governments displayed on premises by public facilities, non-profit and tax exempt organizations, service groups, licensed commercial or industrial businesses, or private residences. Such flags, attached or unattached to any structure, shall not exceed five (5) feet by seven (7) feet, shall not exceed the height restrictions of the Zone in which it is located and shall be limited to one each of international, national or state governments.

WHEELER SIGN ORDINANCE, 99-02

7

- F. Political signs advertising a candidate or an issue involved in a scheduled public election. Such signs shall not be placed on public property, shall not exceed nine (9) square feet in area, and shall be removed within two (2) days following the election.
- G. Incidental exterior signs, not exceeding two (2) square feet individually and six (6) square feet of total sign area displayed by a licensed commercial or industrial business for the direction and safety of the public, such as those which identify public rest rooms, telephones, parking areas, open, closed, exits and other public facilities.
- H. Informational signs, not exceeding two (2) square feet individually and six (6) square feet of total sign area, whose purpose is to provide pertinent information concerning services offered by the licensee, such as vacancy signs, product identification, menus, business hours or credit cards accepted.
- I. Bulletin boards, on premises, or window space, not exceeding twelve (12) square feet, for use by the public to advertise community or regional events, the non-commercial (private) sale of miscellaneous items not related to the licensee providing the space, or other notices of public interest.
- J. One (1) temporary garage sale sign located only on the premises of the sale and not exceeding twelve (12) square feet and two (2) directional garage sale signs, off-premises on private property, not exceeding four (4) square feet each. Such signs shall not be placed prior to two (2) days before the sale and shall be removed within two (2) days following completion of the sale.
- K. One (1) permanent non-illuminated ground or wall sign, on premises, identifying a residential area or multi family structure and not exceeding twelve (12) square feet.
- L. One (1) non-illuminated wall sign for a licensed home occupation, or cottage industry, on premises and not exceeding two (2) square feet of the total sign area.
- M. Signs within a building that are not intended to be visible from the exterior of the building.
- N. One (1) real estate sign and/or "open house" sign on premises and two (2) related directional off-premises signs, on private property, during the period of the sale. These signs shall not exceed six (6) square feet each in sign area.
- O. Two (2) signs not exceeding four (4) square feet in area at the site of construction to identify a prime building contractor and architect. Such signs may be displayed only after the building permit has been properly posted and may remain as long as the building permit is in effect. Such signs must be removed when the project is completed.

## WHEELER SIGN ORDINANCE, 99-02

8

- P. One (1) permanent on-premises sign not exceeding twenty-four (24) square feet identifying the name of the building on which it is located, provided it does not include, in whole or in part, the name of any business situated therein.
- Q. Seasonal lights and decorations displayed on premises by a licensee, as well as other traditional signs or decorations for traditional holidays.

### 2.0 PROHIBITED SIGNS.

- A. Signs that contain or are illuminated by flashing, intermittent, revolving, moving, or rotating light or has any animated or moving parts.
- B. Signs placed so that the sign extends above a flat roof or the ridge of a pitched roof.
- C. Signs that interfere with, imitate, or resemble any official City identification, informational or directional sign.
- D. Off-premises signs within estuarine waters, intertidal areas or tidal wetlands.
- E. No part of this Ordinance is intended to permit a person, business or organization to erect, display or maintain any sign that is prohibited by the Oregon Department of Transportation or Federal Government.

### 2.1 VARIANCES AND APPEALS:

- A. A request for a variance may be initiated by a licensee by filing an application with the City Recorder. The City Recorder may request drawings or materials essential to an understanding of the circumstances underlying the request for the variance, before referring the variance request to the Wheeler Planning Commission.
- B. No variance shall be granted by the Wheeler Planning Commission unless it can be shown that all of the following conditions exist:
  - 1. Exceptional or extraordinary circumstances apply to the premises upon which the licensee's business is located and over which the licensee has no control.
  - 2. The variance is necessary for the preservation of a right of the applicant substantially the same as owners of other businesses in the same zone possess.
  - 3. The variance would not be materially detrimental to the purposes of this Ordinance, the Comprehensive Plan, to other businesses in the same zone, or otherwise conflict with the objectives of any City policy, or State and Federal Statutes.
- C. An appeal from a ruling by the City Recorder regarding a requirement of this Ordinance may be made to the Planning Commission.




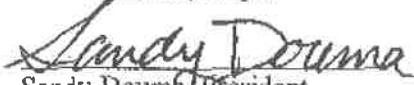
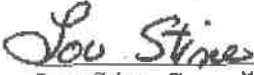


WHEELER SIGN ORDINANCE, 99-02

- D. The City Council may consider any action or ruling of the City Recorder or Planning Commission on its own initiative, provided two (2) or more members of the Council file a written request for such consideration with the Mayor within fifteen (15) days after the City Recorder, or Planning Commission has rendered a decision.

2.2 ENFORCEMENT AND PENALTIES:

- A. It is the responsibility of the City Recorder to interpret and enforce this Ordinance.
- B. A person, licensee or organization violating this Ordinance shall, upon conviction, be punished by a fine of not more than \$250 per violation. A violation of this Ordinance shall be considered a separate offense for each day the violation continues.
- C. Any sign that fails to comply with the provisions of this Ordinance following its effective date, except those subject to the provisions of Section 1.2 C 3 and 4, is hereby declared to be a public and private nuisance. In addition to the penalties provided by Section 2.2 for violation thereof, such a sign may be removed or caused to be removed by the City Recorder, who may enter upon private property and remove a sign without liability therefore. The cost of removal of such a sign shall be borne by the owner of the sign or, if the sign has been abandoned, by the owner of the property upon which the sign is located.

ADOPTED this 17<sup>th</sup> day of August, 1999 by the following vote:

CITY COUNCIL WHEELER, OREGON	Aye	Nay	Absent/Abstain
 Stevie Burden, Mayor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Sandy Douma, President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Lou Stine, Councilor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Chuck McLaughlin, Councilor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Bill Mullen, Councilor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

  
Randall M. Ealy  
City Recorder