

ORDINANCE No. 2011-08

ORDINANCE AMENDING FOREST GROVE CODE SECTION 3.900, 3.905, 3.910 AND 3.940 TO ALLOW OFFSITE TEMPORARY AND PORTABLE SIGNS, OR CITY ERECTED SIGNS FOR TOURIST-ORIENTED BUSINESSES AND IMPLEMENTING SIGN FEE AND REPEALING CODE SECTIONS FROM ORDINANCE NO. 2009-13

WHEREAS, public rights-of-way are commonly used for private purposes, including signage, product displays, and news racks; and

WHEREAS, some members of the community have requested greater latitude to place signs in the right-of-way for limited periods, particularly for businesses located away from the couplet, and for real estate open houses; and

WHEREAS, notice of the City Council hearing on this ordinance was published in the *News Times* on June 8, 2011; and

WHEREAS, the City Council held a duly-noticed Public Hearing on the proposed ordinance on June 13 and held continuance of the Public Hearing on June 27 and July 11, 2011.

NOW, THEREFORE, THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:

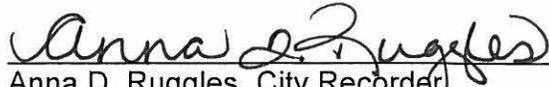
SECTION 1. The City of Forest Grove City Council hereby approves and adopts the amendments to Forest Grove Code Section 3.900, 3.905, 3.910 and 3.940 (Attached as Exhibit A).

SECTION 2. Ordinance No. 2009-13 and portions thereof inconsistent or conflicting with this ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 3. This ordinance is effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading this 27th day of June, 2011.

PRESENTED AND PASSED the second reading this 11th day of July, 2011.



Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 11th day of July, 2011.



Peter B. Truax, Mayor

ORDINANCE NO. 2011-08
EXHIBIT A

UNDERLINE INDICATES NEW TEXT
STRIKETHROUGH INDICATES TEXT TO BE DELETED

3.900 PERMITTED USES OF THE PUBLIC WAY

The purpose of Code Sections 3.900 through 3.940 is to reduce congestion and unsightly clutter, to keep public rights-of-way clear for safe and convenient travel by pedestrians, and to protect the City from claims of liability based upon the placement of obstructions within the public way. Notwithstanding the applicable provisions of this ordinance pertaining to signs not adjacent to a premise, ~~Ob~~structions permitted by a city, county, regional, state, or federal agency are exempt from the provisions of this Code.

3.905 DEFINITIONS

(11) TOURIST-ORIENTED BUSINESS – A facility that offer a cultural, historical, recreational, educational, entertaining or food service activity, or a unique and unusual commercial activity whose major income or visitors is derived from motorists not residing in the immediate area of the business. Bed and breakfast establishments conforming to the requirements of Development Code Section 10.7.025 to 10.7.035 shall be included as tourist-oriented.

(142) VENDING MACHINE - Any self-service box, container, storage unit or other dispenser used for the display and/or sale of any item, such as (but not limited to) beverages, newspapers, periodicals, magazines, books, pictures, photographs, advertising circulars, and records.

3.910 OBSTRUCTIONS TO PUBLIC PASSAGE

(2) All obstructions shall comply with the following restrictions and conditions:

(a) No obstruction shall be placed:

- i) Within three (3) feet of any marked pedestrian crosswalk as measured from the point of intersection between a crosswalk and the sidewalk curbing closest to the intended location of said object.
- ii) Within five (5) feet of any intersecting driveway, alley or street.
- iii) In a manner reducing the clear, continuous sidewalk width to less than five (5) feet.
- iv) In a manner interfering with ingress or egress from private property or public facilities.
- v) Such that the placement causes a hazard for pedestrian or vehicular traffic or obstructs the view of such traffic from the public way.

(b) No object or obstruction shall be attached in any way to a fire hydrant or other emergency equipment, traffic signal controller, traffic sign, light pole, utility pole, or street tree.

- (c) Temporary obstructions shall be removed by the expiration date on the permit or as required by this ordinance.
- (d) Other than signs, no commercial advertising shall be permitted on long-term obstructions.
- (e) All objects shall be maintained by the owner of the object at all times, in a clean, neat and attractive condition and in good repair. The area around said object shall be kept free of debris and litter at all times.
- (f) No sign, awning or architectural features shall be located less than eight (8) feet in height as measured from the sidewalk surface.
- (g) A tourist-oriented business may have an offsite portable sign as provided by subsection (h) i) below or a city sign as provided by subsection (j) below.
- (h) Temporary and portable signs within the public right-of-way shall be subject to the following provisions:

- i) Each commercially or industrially-zoned property shall be permitted one portable sign, either on the premises or in the right-of-way located directly adjacent to the property to which the sign pertains. An additional portable sign be placed within right-of-way in front of any other property provided that the owner of the property where the sign is placed gives written permission for the placement of the sign. In no case shall there be more than one portable sign placed in the right-of-way in front of any property. Signs shall be professionally prepared, shall not be larger than six (6) square feet, shall contain no moving parts and shall not be lighted. Signs shall be removed at the close of business each day. Obstructions other than signs can be placed anywhere in the public way subject to the provisions of this Code. Portable signs are typically signs known as sandwich board signs.

- ~~(h)~~ ii) During the time of a garage sale, One temporary sign shall be permitted per frontage in the right-of-way located directly adjacent to the property to which the sign pertains and up to two temporary signs may be placed anywhere within the public right-of-way consistent with the requirements of this ordinance. Said signs shall not exceeding four (4) square feet in area, which is erected for a maximum of eight (8) days in any calendar year and is removed by sunset on any day it is erected are allowed from 6:00 a.m. on Friday to Sunday at 6:00 p.m. and must be removed promptly thereafter. Such signs are typically used for garage sales. No permit shall be required for such signs.

- iii) Up to two temporary signs during the time of sale, lease or rental of a lot or structure. The signs can be located anywhere in a residential, commercial or industrial zone district within the public right-of-way with each sign not exceeding six (6) square feet in size and 30 (thirty) inches in height. Said signs are allowed from 6:00 a.m. on Friday to Sunday at 6:00 p.m. and must be removed promptly thereafter. No permit shall be required for such signs.

- (i) Obstructions other than vending machines shall be located directly adjacent to the property to which the obstruction pertains.

- (j) Signs allowed for tourist-oriented businesses on streets under City jurisdiction.

- i) Not more than one sign is allowed per business.

- ii) Only one sign shall be allowed on a street sign pole and more than one sign can be allowed one other poles.

- iii) Said signs shall be approved, located and erected by the Public Works Director.

(3) In addition to the provisions of subsections (1) and (2) above, non-movable obstructions shall:

- (a) be located at least ten (10) feet as measured along the curb from any fire hydrant or other emergency equipment or facility;
- (b) be located at least three (3) feet from any traffic signal controller, traffic sign, light pole or utility pole.
- (c) shall not be located over a utility vault, meter cover, manhole or access cover.

3.915 LOCATION PERMIT

No amendments.

3.920 OBJECTS TO BE REMOVED UPON NOTICE

No amendments.

3.925 ENFORCEMENT

No amendments.

3.930 RESPONSIBILITY

No amendments.

3.935 PENALTY IMPOSED

No amendments.

3.940 PERMIT FEE AND SIGN COSTS

(1) The fee for a public way use permit described above shall be as set by the City Council by resolution.

(2) The annual fee for a tourist-oriented street sign described above shall be set by City Council resolution.