

ORDINANCE NO. 5949

AN ORDINANCE AMENDING CHAPTER 15.20 OF THE HILLSBORO MUNICIPAL CODE, RELATING TO THE TEMPORARY SIGN STANDARDS OF THE HILLSBORO SIGN CODE.

WHEREAS, Municipal Code Chapter 15.20 became effective on October 5, 2006, and regulates signs within the City;

WHEREAS, since adoption of Chapter 15.20, the City has received requests from business interests to amend Chapter 15.20 to allow increased flexibility with regard to temporary signs;

WHEREAS, the City Council considered policy options and proposed amendments to Chapter 15.20 in two work sessions held on August 17 and September 21, 2010;

WHEREAS, the City Council held a public hearing on September 21, 2010, and received testimony in favor of the proposed amendments;

WHEREAS, the City Council hereby adopts the Planning Department staff report dated September 14, 2010 as findings in support of its decision; and,

WHEREAS, the proposed amendments to the Sign Code are tailored to serve the public interest as set forth in HMC 15.20.10; are justified without regard to the content of the message of any regulated sign; and make no distinction in the regulation of signs based upon the content of the sign.

NOW, THEREFORE, THE CITY OF HILLSBORO ORDAINS AS FOLLOWS:

Section 1. Sections 15.20.015, 15.20.035, 15.20.040, 15.20.045, 15.20.150, 15.20.155, 15.20.160, 15.20.170, and 15.20.175 of the Hillsboro Municipal Code Chapter 15.20, Sign Code, are hereby amended as indicated in Exhibit A, attached.

Section 2. This ordinance shall be effective from and after 30 days following its passage and approval by the Mayor.

First approval of the Council on this 5th day of October 2010.

Second approval and adoption by the Council on this 19th day of October 2010.

Approved by the Mayor this 19th day of October 2010.

ATTEST:


Amber Ames, City Recorder


Jerry Willey, Mayor

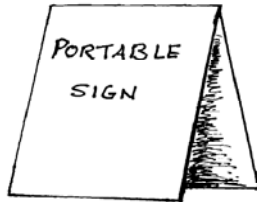
ORDINANCE NO 5949
EXHIBIT A

The Hillsboro Sign Code, Chapter 15.20 of the Municipal Code, is amended as follows, with deletions identified by highlighted ~~strikethrough~~, and recommended additions identified by highlighted double underline.

Municipal Code Chapter 15.20 Signs

15.20.015 Definitions.

Portable sign—A sign, including its support structure, which is not ~~permanently~~ affixed to ~~or driven into a building, structure,~~ or the ground and is simply setting on the ground surface or sidewalk designed to be moved from place to place. Portable signs are typically A-frame signs. Examples of portable signs include:



Property—A single legal tax lot, or a single condominium unit.

Temporary sign—A sign, including its support structure, which is not permanently affixed directly to a structure by hardware or anchored to the ground by concrete or other foundation, and is displayed for a limited period of time. A sign that is not permanently attached to a building, structure, or the ground and that is intended to remain in use for no more than a short time Temporary signs do not include portable signs. Examples of temporary signs include:



15.20.030 Prohibited Signs.

Except for nonconforming signs, the following signs are unlawful and are nuisances:

L. Any sign within or over any public right of way, or located on private property less than two feet from any area subject to vehicular travel, except for:

1. Public signs.

2. Signs which are Exempt from Requirements for Permits in accordance with the criteria of HMC 15.20.040.

3. Temporary signs and portable signs specifically allowed within the public right of way under HMC 15.20.045, unless prohibited by the jurisdiction having authority over the right-of-way.

4. Bench signs located at mass transit stops so long as the bench sign copy does not exceed 15 square feet and the bench sign is approved by the owner consistent with the requirements of the agency having jurisdiction over the right-of-way.

5. Signs attached to mass transit shelters which are approved by the mass transit agency and the owner agency having jurisdiction over the right-of-way.

M. Temporary or portable signs, ~~including banners, pennants, wind signs, and flags,~~ except as authorized by HMC 15.20.040 or HMC 15.20.045.

15.20.040 Exemptions from Requirement for Permit.

B. ~~One~~ On any property containing either a single-family residence or a residential duplex, indirectly illuminated or non-illuminated signs not exceeding one and one-half square feet in area, placed on any non-multifamily residential lot. This type of sign is typically used as a name plate, which comply with all of the following:

1. Total maximum number of signs shall not exceed five (5), including any permanent, and temporary, and portable signs allowed via other subsections of the Sign Code, with the exception that for property bordering on more than one public street, one additional sign may be displayed on each additional public street frontage.

2. Maximum sign size:

a. No more than one (1) sign shall be up to six (6) square feet in area and six (6) feet in height. For property bordering on more than one public street, one additional sign may be displayed on each additional public street frontage.

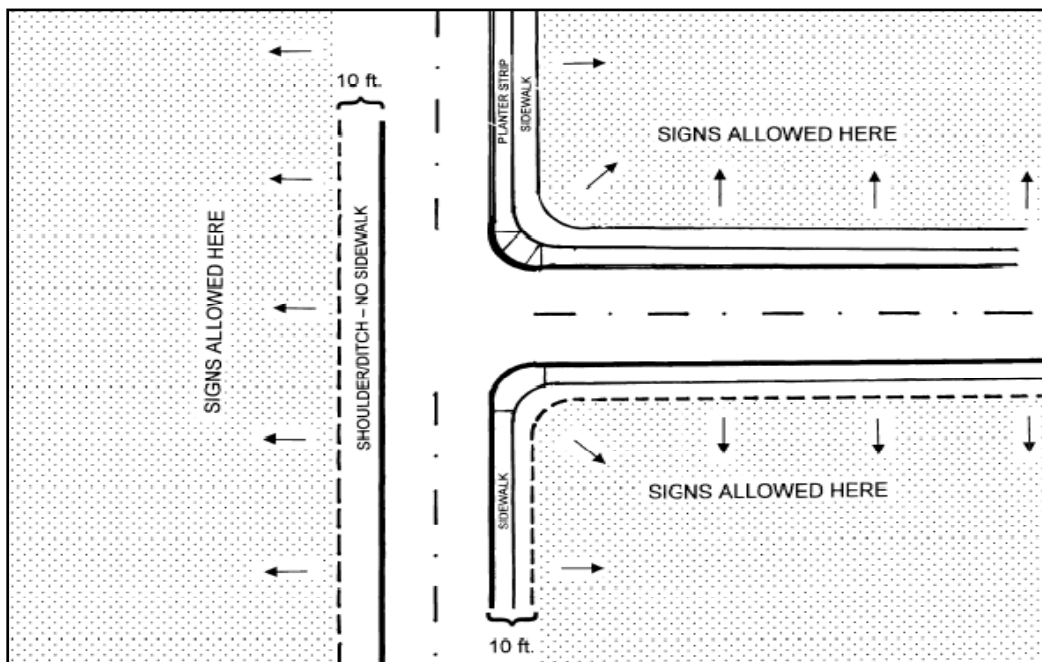
b. All other signs shall be no larger than six (6) square feet in area and four (4) feet in height.

3. Signs may be placed within the property's boundaries or within the public right-of-way between the property's front lot line and the street, but in all cases shall be located according to the following requirements:

a. at least ten (10) feet from the street pavement;

OR.

b. behind the outside edge of sidewalk, whichever is further from the street pavement.



d. Signs shall not be placed in the median, or in the planter strip between curb and sidewalk.

e. Utilities shall be located prior to placement of any sign which extends deeper than two (2) feet into the ground.

C. Flags no more than three per property.

Q. Temporary and portable signs as allowed under HMC 15.20.045.

15.20.045 Temporary and Portable Signs.

A. Temporary and portable signs may be erected and maintained in the city only in compliance with the regulations in this chapter, and with the following specific provisions:

1. Except as approved in a comprehensive sign plan ~~and in connection with a community event~~, no temporary or portable sign shall be internally illuminated or be illuminated by an external light source primarily intended for the illumination of the temporary or portable sign.

2. Temporary and portable signs shall be kept neat, clean and in good repair. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired, replaced or removed. A temporary or portable sign shall be attached to the site or constructed in a manner that both prevents the sign from being easily moved or blown from its location and allows for the easy removal of the sign.

3. Except as provided in this code, temporary and portable signs shall not be attached to trees, shrubbery, utility poles or traffic control signs or devices. ~~Temporary signs shall not obscure or obstruct signs on adjacent premises.~~

4. No temporary or portable sign shall be erected or maintained which, by reason of its size, location or construction constitutes a hazard to the public.

B. In any residential sign district, the following temporary or portable signs shall be allowed on a ~~lot~~property without issuance of a permit ~~and shall not affect the amount or type of signage otherwise allowed by this chapter.~~ ~~This signage shall not be restricted by content, but is usually and customarily used to advertise real estate sales, political or ideological positions, garage sales, home construction or remodeling and similar activities.~~ Signage shall be allowed ~~for~~on each ~~lot~~property as follows:

1. Total maximum number of signs shall not exceed five (5), including any permanent, and temporary, or portable signs allowed via other subsections of the Sign Code. For property bordering on more than one public street, one additional sign may be displayed on each additional public street frontage.

2.4. Maximum sign size: Signs not exceeding six square feet in area or four feet in height during the period from 120 days before a public election or the time the election is called, whichever is earlier, to five days after the public election.

a. No more than one (1) sign shall be up to six (6) square feet in area and six (6) feet in height. For property bordering on more than one public street, one additional sign of this size may be displayed on each additional public street frontage.

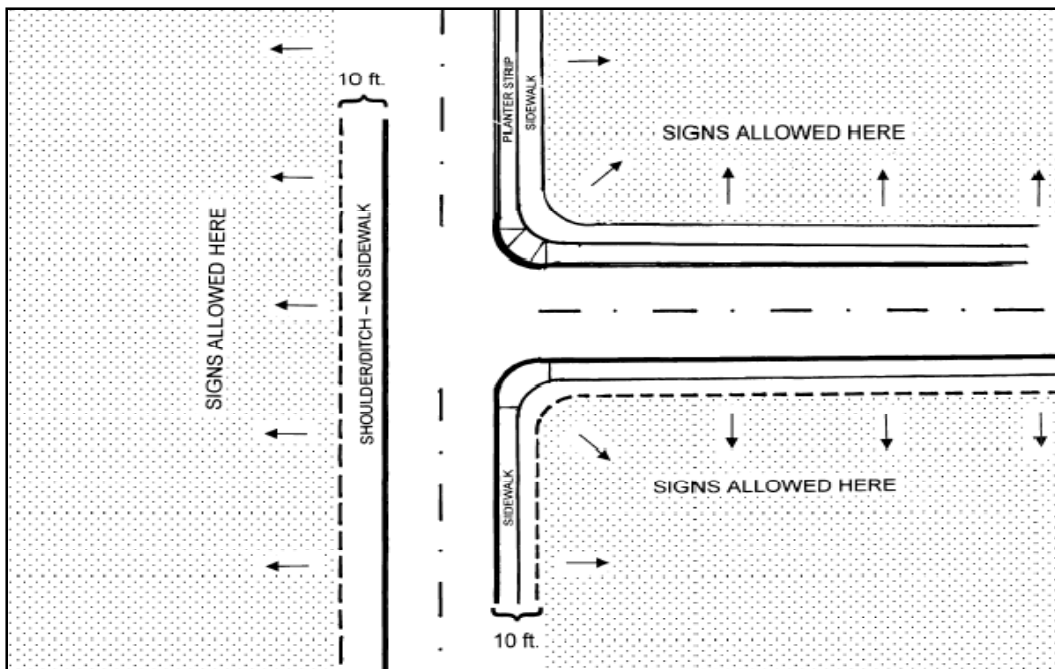
b. All other signs shall be no larger than six (6) square feet in area and four (4) feet in height.

3. Signs may be placed within the property's boundaries or within the public right-of-way between the property's front lot line and the street, but in all cases shall be located according to the following requirements:

a. at least ten (10) feet from the street pavement;

OR,

b. behind the outside edge of sidewalk, whichever is further from the street pavement.



c. Signs shall not be placed in the median, or in the planter strip between curb and sidewalk.

d. Utilities shall be located prior to placement of any sign which extends deeper than two (2) feet into the ground.

2. One temporary sign not exceeding six square feet in area and four feet in height which is erected for a maximum of eight days in any calendar month and is removed by sunset on any day it is erected.

3. A post style sign not exceeding six square feet in area and five feet in height, or a hanging style sign not exceeding six square feet in area and six feet in height, during the time of sale, lease or rental of the property provided that the sign is removed within 15 days of the sale, lease or rental of the property, and a sign not exceeding six square feet in area during the time of construction or remodeling of the property, provided the sign is removed within seven days of the completion of any construction or remodeling. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously. On lots of more than two acres the sign area may be increased to 32 square feet. In no case shall the sign or signs be erected for more than twelve months.

4. On property which has received subdivision or development approval from the city, from that approval until issuance of a building permit for the last lot to be sold or completion of the development project, one temporary sign not exceeding 32 square feet in area and eight feet in height on properties less than four acres in size or two temporary signs not exceeding 64 square feet in area each and eight feet in height on properties greater than four acres in size.

C. In any commercial/industrial sign district, station community commercial sign district, or industrial park and research park sign district, the following temporary or portable signs shall be allowed on a lot/property without issuance of a permit and shall not affect the amount or type of signage otherwise allowed by this chapter. This signage shall not be restricted by content, but

is usually and customarily used to advertise real estate sales, political or ideological positions, construction or remodeling, special events and similar activities. Signage shall be allowed for on each lot property as follows:

1. Total maximum number of temporary and/or portable signs shall not exceed two (2). The maximum number of allowed signs may be multiplied by the number of condominium units contained within the property boundaries. For property bordering on more than one public street, one additional sign may be displayed on each additional public street frontage.

2. Maximum sign size: Signs not exceed four (4) square feet in area and five (5) feet in height, during the period from 120 days before a public election or the time the election is called, whichever is earlier, to five days after the public election.

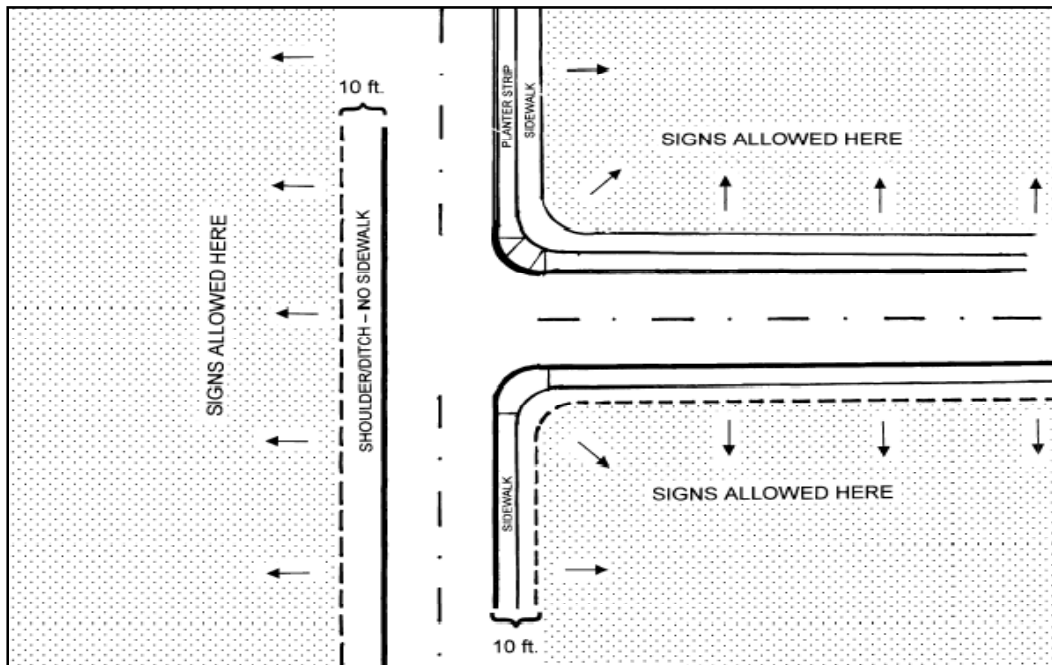
3. Signs may only be displayed between 6:00 a.m. and 9:00 p.m.

4. Signs may be placed within the property's boundaries or within the public right-of-way between the property's front lot line and the street, but in all cases shall be located according to the following requirements:

a. at least ten (10) feet from the street pavement;

OR.

b. behind the outside edge of sidewalk, whichever is further from the street pavement.



c. Signs shall not be placed in the median, or in the planter strip between curb and sidewalk.

d. Utilities shall be located prior to placement of any sign which extends deeper than two (2) feet into the ground.

52. A sign not exceeding 32 square feet in area and eight feet in height during the time of sale, lease or rental of the property provided that the sign is placed on the property for sale, lease, or rental and removed within 15 days of the sale, lease or rental of the property, or a sign not exceeding 32 square feet in area and eight feet in height during the time of construction and remodeling of the property, provided the sign is placed on the property where construction and remodeling is taking place and removed within seven days of the completion of any construction or remodeling. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously. In no case shall the sign or signs be erected for more than twelve months.

a. Said sign shall not be placed within public right-of-way and shall be placed at least 10 feet away from the edge of street pavement, or behind the outside edge of sidewalk, whichever is further from the street.

~~3. A sign not exceeding 32 square feet in area during the period of a charitable fund-raising event being conducted on the property where the sign is erected by a charitable or nonprofit organization. This signs shall not be placed more than seven days prior to the event and must be removed within two days following the event.~~

D. No temporary signs ~~or banners~~ or portable signs shall be allowed in the public right of way or on public property, except for those listed in this subsection (and except for those which may be allowed in the right-of-way pursuant to the locational requirements of Section 15.20.045.B and C).

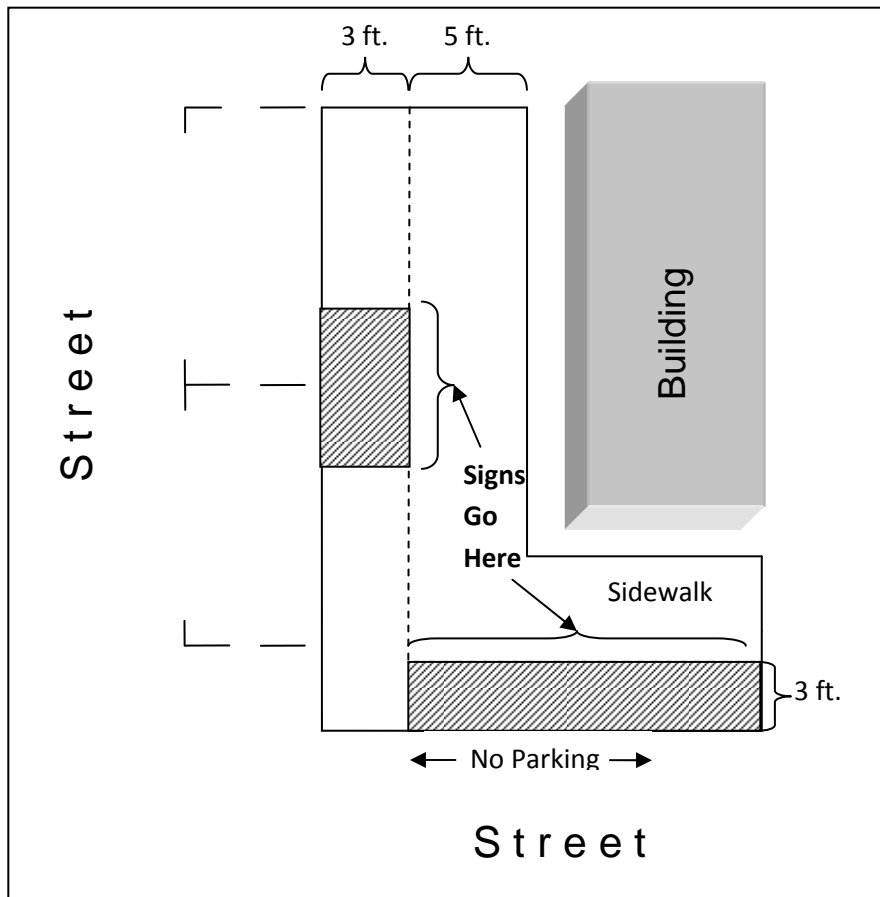
1. The following temporary or portable signs shall be permitted in the right-of-way without issuance of a permit and shall not affect the amount or type of signage otherwise allowed by this chapter. No temporary or portable sign in the right-of-way shall interrupt the normal flow of vehicle, pedestrian or bicycle traffic and shall provide a minimum of five feet of clear passage for pedestrians on a sidewalk where a sidewalk exists. No temporary or portable sign shall extend into a vision clearance area. Temporary and portable signs allowed in the right-of-way shall include:

a. Signs owned ~~or erected~~ or required by a governmental entity.

b. Signs on public sidewalks which are eight (8) feet wide or more in all SCPA zones, commercial districts and adjacent to commercial uses in the SCR-V, SCBP, SCI and SCRP Districts which Signs shall comply with the following standards:

i. Location requirements:

a) When the sidewalk is curb-tight (no planter strip between sidewalk and curb), Any temporary or portable sign is shall be placed on the sidewalk within the first three feet behind the curb. When on-street parallel parking is present, sign shall be placed within four feet of the common boundary between two parking spaces, as illustrated below.



b) Signs shall provide a minimum of five (5) feet of clear passage on the sidewalk.

c) Signs shall not extend into a vision clearance area.

d) Signs shall not extend into any ADA ramp.

2. Any temporary or portable sign ~~is shall be~~ present only during the business hours of the responsible enterprise between the hours of 6:00 a.m. and 9:00 p.m. And.

3. Any temporary or portable sign ~~placed elsewhere than directly adjacent to the primary use shall be placed only following a good faith effort to obtain with the written consent of the property owner of the property in front of which the sign is to be displayed of the adjacent property.~~

4. No more than two temporary or portable signs shall be placed in the public right-of-way adjacent to any property frontage on a single street. The maximum number of allowed signs may be multiplied by the number of condominium units contained within the property boundaries.

c. Portable or temporary signs limited to a maximum of six square feet in area and three feet thirty (30) inches in height, displayed only between the hours of 6:00 a.m. and 9:00 p.m. on weekends and holidays, placed at public street intersections in relative close proximity to a property for sale or lease during the time of that display. One single sign for each property or development shall be permitted at each intersection and shall be positioned as to be no closer than two feet from areas subject to vehicular travel.

~~d. Bench signs located at mass transit stops so long as the bench sign copy does not exceed 15 square feet and the bench sign is approved by the owner.~~

~~e. Signs attached to mass transit shelters which are approved by the mass transit agency and the owner.~~

15.20.150 Enforcement of Hillsboro Sign Code by Planning Director.

A. The planning director is hereby authorized and directed to enforce the provisions of this chapter. Upon presentation of proper credentials the planning director or duly authorized representative may enter at reasonable times any building or structure or upon any premises in the city to perform any duty imposed upon the planning director by this chapter.

B. The planning director may promulgate reasonable rules and regulations necessary to carry out the provisions of this chapter.

~~C. The city shall store any sign ordered to be removed by the planning director for a period of 30 days from the time the person responsible therefore is notified as provided in this chapter. The city shall continue to store such sign for any additional period during which an appeal thereon is before the planning and zoning hearings board or municipal court. At the expiration of the time specified in this section, if the person responsible for the sign or other interested person has not reclaimed the sign as provided herein, the planning director may destroy the sign or dispose of it in any manner deemed appropriate.~~

~~D. To reclaim any sign removed by the planning director the person reclaiming the sign shall pay the city an amount equal to the entire costs incurred by the planning director as provided in HMC 15.20.145 to 15.20.155.~~

~~C.E.~~ This chapter shall not be construed to create mandatory enforcement obligations for the city. The enforcement of this chapter shall be a function of the availability of sufficient financial resources consistent with adopted budgetary priorities and prosecutorial priorities within the range of delegated discretion to the city manager and planning director.

15.20.155 Removal of Signs - General.

A. The planning director may remove or may order the removal of any sign erected or maintained in violation of the provisions of this chapter or other applicable provisions of this code. Signs installed in violation of any prior sign code or applicable laws and regulations, and which are in violation of this chapter, shall be removed, replaced or altered in order to conform to the requirements of this chapter.

B. An order to remove a sign shall be communicated at the discretion of the planning director, in one of the three following methods:

1. When it is possible to make direct contact with the owner of the sign or the owner of the building, structure or premises on which the sign is located, the planning director may communicate the order verbally with the sign owner. Or.

2. An order shall be in writing and mailed to the owner of the sign or the owner of the building, structure or premises on which the sign is located.

3. When the director is not able to ascertain the owner of the sign, then the director may authorize removal of the sign without prior communication of an order.

CB. The order shall inform the owner that the sign violates the regulations in this chapter and must be brought into compliance or be removed within a time frame mutually agreed upon by the planning director and the owner, or in no case longer than within 3015 days from the date of the order. The planning director may require immediate removal of a sign under HMC 15.20.150, HMC 15.20.155, ~~or HMC 15.20.160,~~ HMC 15.20.165, HMC 15.20.170, or HMC 15.20.175. The order shall also inform the sign owner the reasons why the planning director concludes the sign violates the regulations in this chapter and shall inform the owner of appeal rights under HMC 15.20.14035. The order shall convey the retrieval process and costs for signs which are confiscated.

DC. If the owner fails to ~~immediately remove an unsafe or abandoned~~ sign in accordance with the order of the planning director, ~~or otherwise fails to file an appeal or remove a sign~~ within 3015 days of the date of the planning director's order, or fails to remove a sign within the time provided in the decision rendered following an appeal, the planning director shall cause the sign to be removed. The removal shall be at the expense of the owner of the sign or the owner of the building, structure, or premises on which the sign is located.

E. The city shall store any sign ordered to be removed confiscated by the planning director for a period of 30 days from the time the person responsible therefore is notified as provided in this chapter, or for a period of 30 days when the person responsible cannot be identified or contacted. The city shall continue to store such sign for any additional period during which an appeal thereon is before the Planning and Zoning Hearings Board or municipal court. At the expiration of the time specified in this section, if the person responsible for the sign or other interested person has not reclaimed the sign as provided herein, the planning director may destroy the sign or dispose of it in any manner deemed appropriate.

F. To reclaim any sign removed by the planning director the person reclaiming the sign shall pay the city an amount equal to the entire costs incurred by the planning director as provided in HMC 15.20.150145 to 15.20.170155. D. These costs and expenses, including, but not limited to, the notification, efforts to secure compliance, painting out of a sign, sign removal, storage, or transportation, shall be a lien against land or premises on which the sign is located, and may be collected or foreclosed in the same manner as liens that are entered in the liens docket of the City of Hillsboro.

GE. Instead of removing a sign, the planning director may file charges against the sign owner in Hillsboro municipal court. Each day following the 3015 day period in which the sign owner is not in compliance with this chapter constitutes a separate violation.

15.20.160 Removal of Unsafe Signs.

If the planning director finds that any sign is in violation of the applicable provision of this code and that, by reason of its condition or location, it presents an immediate and serious danger to

the public, the planning director may, without prior written notice, ~~order~~require the immediate removal or repair of the sign, or within a specified period. The planning director may remove or authorize others to remove the sign in the event that the person responsible for such sign cannot be found immediately, or if that person, after notification, refuses to repair, replace, or remove it. The owner of the sign and the owner of the building, structure, or premises on which the sign is located, are jointly and severably liable for the cost of removing such sign as provided for the removal of unlawful signs in HMC 15.20.~~155145~~.

15.20.170 Removal of Signs Erected Without A Permit.

The planning director may remove or order the removal, without prior written notice, of any sign erected without a sign permit required by this chapter. Removal costs may be collected as provided in HMC 15.20.~~155145~~ for removal of unlawful signs.

15.20.175 Removal of Temporary Signs on Public Property.

Notwithstanding Section 15.20.155, Any temporary sign installed or placed on public property, except in conformance with the requirements of this chapter, shall be forfeited to the city, and confiscated, and disposed of in a manner deemed appropriate by the city. Removal costs may be collected as provided in HMC 15.20.~~155145~~ for removal of unlawful signs.