8-3 Division J. Section 7

SIGNS, BILLBOARDS AND ADVERTISEMENTS

Sec.	Description
710	Intent and Purpose
720	Definitions
730	Administration
732	Exempt Signs
734	Prohibited Signs
736	Permitted Signs
738	Safety, Design, Construction, Maintenance and Inspection
750	Abatement of Billboards and Off-Premise Advertising
760	Non-Conforming Signs
770	Variances
780	Penalties

8-3J.710 INTENT AND PURPOSE

The following describes the purpose and intent of this Article:

A. To protect the health, safety, property, and welfare of the public;

B. To provide for the safe installation and maintenance of signs;

C. To initiate and maintain an organized, clean, orderly, attractive, and inviting appearance that respects and reflects the rural character of the city;

D. To permit and encourage flexibility for creative, context sensitive design that respects the site conditions and is appropriate to the applicable zoning district;

E. To maintain simplicity in permitting and review of signs, while encouraging economic development;

F. To improve the effectiveness of signs in identifying businesses; and

G. To enhance the aesthetic character of the “rural, small town atmosphere” in the Old Town and Highway Districts and improve the appearance of commercially zoned corridors.

8-3J.720 DEFINITIONS

Area Area shall mean the area included within the outer dimensions of a sign. In the case of a multiple-faced sign, the area of each face shall be included in determining sign area, excepting double-faced signs placed no more than twenty-four (24) inches back to back.

Awning A temporary or movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

Building or **Face Wall** All window and wall area of a building in one plane or two closely related planes or elevations. Walls are distinguished from roofs in that wall planes are erected at an angle equal to or between thirty (30) degrees from a vertical plane.

Electrical sign A sign utilizing electrical wiring.

Flashing sign Any sign containing an intermittent or flashing light source or an externally mounted intermittent light source.

Frontage The length of the property line of any one premise along each public right of way it borders.

Grade The level of the surface of the soil, whether paved or not, immediately below a particular sign; when a slope is involved, the average grade.

Ground Sign A sign erected on a freestanding frame, mast or pole and not attached to any building. Also known as a "free-standing" or "monument" sign.

Incidental sign A sign not exceeding two (2) square feet in area identifying or advertising goods, products, services, or facilities available on premise. Such incidental signs include, but are not limited to, trading stamps, credit cards accepted, brand names of price signs; such signs larger than two (2) square feet and used to identify the business or premise are not considered incidental signs.

Joint-Use sign When two of more businesses combine part or all of their total allowed sign area into ground sign for each common frontage of such business.

Maintain To permit a sign, sign structure, or any part thereof to continue. Or, to repair, refurbish, or keep in good order and repair a sign, sign structure, or any part of each.

Marquee Sign A sign, which is painted on, attached to, or supported by a marquee, awning or canopy.

Nameplate A non-electrical sign identifying only the name, address, occupation, or profession of the occupant of the premises on which the sign is located. If any premises includes more than one occupant, the nameplate can have all

names and occupation or professions as well as the name of the building and directional information.

Off-premise sign A sign that directs attention to a business commodity, industry, or other activity, which is sold, offered, or conducted elsewhere than on the premises where the sign is located.

Portable sign Any sign that is not originally designed to be permanently affixed to a building, structure, or the ground. A sign originally designed, regardless of its current modification, to be moved from place to place. These signs primarily include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames and designed to be self-supporting and movable, and also including trailer reader boards. Portable signs are not to be considered temporary signs as defined in this ordinance.

Projecting sign A sign that projects from and is supported by a wall or a building, with the display surfaces of the sign in a plane other than parallel to said wall.

Reader board Any sign that uses a continuous message system or a sign of a permanent nature, but which accommodates changeable copy. Also referred to as "bulletin board."

Roof sign A sign or any portion of which is displayed above the highest point of the roof, whether or not such sign also is a wall sign.

Shopping Center or Business Complex Any two or more businesses which are in a building or group of buildings with shared off-street parking, on one or more lots which are contiguous or which are separated by a public right-of-way or a privately owned flag drive used for access and not greater than 35 feet in width, which are constructed and/or managed as a single entity, regardless of individual ownership and/or function.

Sign Any sign, illuminated or non-illuminated, or presentation by words, letters, figures, designs, or pictures, visible in the public right-of-way to give notice relative to a person, business, goods, products, or service, an activity, or a solicitation. Sign includes identification, advertising, and informational signs. Sign also includes any permanently installed or situated merchandise (other than a structure), an emblem, a painting, a banner, a pennant, a placard, a poster, a temporary sign, a light (other than a device used primarily to illuminate a building or premises) that is intended to attract attention, advertise, identify, or inform. For the purpose of removal, sign shall include sign structure. This definition shall not include official notices issued by a court or public body or officers, or directions, warning or information signs or structures required by or authorized by law or by federal, state, county or city authority.

Sign Height The distance from the finish ground level, to the top of the sign or the highest portion of the sign structure or frame, whichever is greater.

Temporary sign Any sign which is not permanently installed or affixed to any sign structure or building, to advertise a new business before a permanent sign is installed, or to advertise a business "special" or "sale."

Wall sign or graphics Includes, but is not limited to, any mosaic, mural or painting or graphic art technique or combination or grouping of mosaics, murals, or paintings or graphic art techniques applied, implanted or placed directly onto a wall or fence.

Wayfinding system A color coordinated system of pedestrian-scale signs designed to solely provide directions within a shopping center or central business district zone (CBD) and is not intended as additional advertisement for each business listed on such system.

8-3J.730 ADMINISTRATION

A. General. No person shall hereafter install a sign unless the City has issued a valid permit for the sign, and no person shall allow or maintain on premises under his or her control, any sign hereafter installed without such permit. No person shall install a sign in violation of the lawful conditions of a permit, or install or maintain a sign, or allow a sign on premises under his control, in violation of any other requirement imposed by this Article.

B. Permit. An application for permit shall be submitted in writing on forms provided by the City, and must be approved by the City Planner or such other department designated by the City Council to administer this Article; and, if any portion located on the exterior of a building is electrical or structural, the application must also be approved by the Building Official. The application shall contain the following information:

1. Contact Information: name, mailing address, telephone number, and e-mail address of the applicant; of the owner of the sign premises; and of the installer.

2. Location by street number of the building, structure, or lot to or upon which the sign is to be installed or affixed, and where no address exists cross streets.

3. A drawing approximately to scale showing design of the sign including dimensions, size, color scheme, method of attachment, materials, source of illumination, (if any) and an illustration of the relationship to any building, structure, or public right-of-way to which it is proposed to be installed or affixed. Three-dimensional drawings are preferred.

4. A plot plan approximately to scale indicating the location of the sign relative to property lines, streets, and sidewalks.

5. The square footage of each of the following:

   a. Each wall area fronting along each street and alley;

b. Each existing sign by sign type.

C. If the proposed sign conforms to this Article, a permit shall be issued. City staff or the Planning Commission may attach conditions of approval as may be necessary and lawful, upon payment of the prescribed fee. A sign permit shall expire unless exercised within 100 days from the date of issuance.

D. Fees. Applicants for signs will be charged a fee in an amount established, and which may be changed, by ordinance adopted by the City Council. Signs requiring review and inspection by the City Building Official will be charged an additional fee prescribed by the official building permit fee schedule.

E. Appeal. An applicant or any other person can appeal an administrative decision made by the City Planner or Building Official to the Planning Commission. A Planning Commission decision may be appealed to a hearings officer. Appeals shall be based on the same issues and conducted according to 8-3M.1, which provides standards and procedures for the appeal process. The fee for an appeal shall be in an amount established, and which may be changed, by ordinance adopted by the City Council. If the appeal is upheld, the filing fee shall be refunded except for the costs for publishing, posting, and mailing public notices.

8-3J.732 EXEMPT SIGNS

A. The following signs or operations are exempt from permits, but shall conform to all other applicable provisions of this Article:

1. On-site repainting or touch-up, cleaning and normal maintenance and repair of a sign.

2. Informational signs placed by local, regional, or state governments in the publicly owned right-of-way. However, when placed over a public sidewalk, the bottom of these signs shall be no less than seven (7) feet from the top of the sidewalk or pedestrian grade.

3. Flags of international, national, state, or local governments.

4. Signs within a building as long as the signs are not visible to motorists or pedestrians outside the building.

5. Memorials, plaques, cornerstones, or other designations that may be associated with historical or cultural persons, events, and cemeteries.

6. Temporary signs:

   a. Temporary on premise sign, including any visible from the public right-of-way, advertising a new business, establishment, or organization before permanent signs are installed may be maintained for a period of time not to exceed forty-five (45) days;

b. Temporary signs advertising a candidate or ballot measure for an election, as defined and limited in Section 736(A)4.

7. Nameplate on private residence.

8. On-premise real estate signs, as set forth in Section 750, advertising exclusively for sale, rental, or lease of the premises upon which the signs are located. The signs must be removed within fifteen (15) days of the sale, lease, or rental of the property.

9. Incidental signs not visible from a public street provided that they are less than two square feet per sign, do not exceed two in number per lot, or two per street frontage.

8-3J.734 PROHIBITED SIGNS

A. No movable sign or bench sign shall be permitted except as may be otherwise permitted by Section 732 or Section 736.

B. No flashing signs shall be permitted.

C. No wind sign, device, or balloon shall be permitted.

D. No three-dimensional statue, caricature, or representation of persons, animals or merchandise shall be permitted as part of any sign.

E. No public address system or sound devices shall be used as part of a sign.

F. No electrical reader board signs.

G. Signs, which by reason of size, location, movement, content, coloring, or manner of illumination may be confused with or construed as a traffic, street, or emergency sign or signal, or cause any other hazardous or disruptive situation.

H. No signs shall be affixed to telephone poles in the public right-of-way.

I. No fluorescent colors shall be used in the design or construction of a sign.

8-3J.736 PERMITTED SIGNS

A. Residential Zones. In all residential zones set forth in the Talent Zoning Code no signs shall be permitted except the following:

1. Nameplates. One sign showing property numbers, names of occupants or other identification. Area may not exceed two (2) square feet.

2. Real estate signs. One single- or double-faced, non-illuminated, on-site sign for each street frontage offering the premises for sale, lease or inspection. Such sign

must be removed once the property has been sold, leased, or rented. The area of each sign may not exceed six (6) square feet.

3. Temporary and permanent residential development identification sign. One single- or double-faced ground sign, non-illuminated or indirectly illuminated, set back from vehicle or pedestrian traffic ways may be permitted at each entry point to a residential development. The area of the sign may not exceed an area of thirty-two (32) square feet located not over five (5) feet above grade.

4. Non-illuminated, temporary, on-premise signs advertising a local, county, state, or national candidate or ballot measure. Said signs shall not exceed sixteen (16) square feet in area, and the applicable removal date shall be marked on each sign. All such signs shall be removed within ten (10) days following the election to which the sign pertains.

5. Non-residential signs. For non-residential uses permitted or conditionally approved within a residential zone excluding approved home occupations, the following standards shall apply:

   a. No sign shall exceed an area of twelve (12) square feet,

   b. Signs may only be externally or indirectly illuminated.

   c. Only one on-premise sign shall be permitted which may be either:

      (1) a ground sign not to exceed an overall height of five (5) feet and set back at least ten (10) feet from the property line; or

      (2) a wall sign; or

      (3) a sign projecting from the main structure on the lot.

   Signs associated with residential districts may be reviewed in conjunction with the associated development review. All signs that are not reviewed at this time shall be subject to the procedural requirements set forth for review of home occupation signs in Paragraph 6 below.

6. Home occupation signs. Home occupation signs shall be permitted by the City Planner and/or Building Official if the requirements of Section 730(B) and all of the following have been met:

   a. No more than one sign is permitted per home occupation.

   b. No sign is illuminated.

   c. No sign is larger than two (2) square feet and no dimension is smaller than eighteen (18) inches.

   d. No additional sign permit fee is required as part of a home occupation approval.

e. If an applicant is required to petition the neighbors for a home occupation each property owner within 250 feet of the subject property has an opportunity to review the proposed sign and if a majority of those owners do not object.

If the City Planner determines that the proposed sign does not meet the standards in this Article, or the property owner did not collect the necessary signatures, he or she shall refer the question to the Planning Commission in accordance with the procedure set forth in Article 8-3M.1 and Article 8-3L.6 of the Talent Zoning Ordinance.

B. Commercial and Industrial Zones. Signs in all commercial and industrial zones are subject to the following standards and requirements.

1. The total square footage allotted for all signs for each business or premise cannot exceed fifteen (15) percent of the total square footage of each wall area fronting along a street or 150 square feet, whichever is less. Alleys are considered a street. The permissible square footage can be used in the following manner, however:

   a. No sign, or combination of signs, can exceed an area greater than fifteen (15) percent of the wall area to which it relates, regardless of whether or not the wall fronts on a street;

   b. No more than two (2) types of signs are permitted per business or premise. Types of signs include, but are not limited to, portable signs, wall signs, ground signs, joint-use signs, and other signs demarcating the establishment. No ground sign shall exceed 10 feet from grade.

   c. Sign standards for advertising a ballot measure or candidate for public office shall be the same as Section 736(A)4.

2. The total area of all permanent shopping center identification signs cannot exceed fifteen (15) percent of the total wall area of walls on the premises where customer entrances are provided or 150 square feet, whichever is less. No more than two (2) signs can be utilized. A wayfinding system shall not count towards the permissible amount.

3. No individual ground sign can exceed 10 feet in height from grade or contain in excess of 150 square feet in area. No sign dimension can exceed 10 feet.

4. Off-premise signs specifically for another business located within the Talent Area of Mutual Planning Concern, as set forth in the Comprehensive Plan, are considered signs for the premise or business giving permission to locate such signs. Thus, such off-premise signs will be calculated as part of the permitting business's total square footage requirements prescribed in Section 736(B)1, above. Where no building frontage exists and the property is vacant, such off-premise signs are permitted according to the standards for construction signs in Section 736(B)7a, below.

5. All off-premise signs visible from the public right-of-way of Interstate 5 and Highway 99 shall be subject to the standards and requirements of the Oregon Administrative Rules and Oregon Revised Statutes administered and enforced by the Oregon Department of Transportation (ODOT). Where there is a conflict between the standards or requirements of the City and the State, the more restrictive standards or requirements shall apply.

6. No sign shall be permitted for a business or premise above the highest point of the roof except if permitted according to one of the following:

   a. When application for a variance is made as set forth in Section 770 and approved by the Planning Commission.

7. Except as otherwise provided in this Article, the following signs are permitted as set forth herein, but are subject to the following requirements:

   a. Construction signs identifying the architect, general contractor, and subcontractors shall be permitted not to exceed one per street frontage of the property, or an area of thirty-two (32) square feet located not over five (5) feet above grade, and must be removed when a certificate of occupancy is issued.

   b. The Old Town Design Standards regarding awnings and marquees may be used outside of the Old Town District. An applicant requesting a sign permit outside the Old Town District is strongly encouraged to use the Old Town Design Standards to accelerate the permit approval process.

8-3J.738 SAFETY, DESIGN AND CONSTRUCTION; MAINTENANCE AND INSPECTION

A. Safety, Design and Construction.

1. All signs shall be constructed of such materials or treated in such a manner to withstand normal wear from weathering. Sign materials should be able to meet the Uniform Building Code for wind resistance. Neon is an acceptable material. The design, fabrication and lettering and/or message elements shall be comparable in quality to a product produced by a professional commercial sign shop. The use of plastic and foam shall not be used as an exterior material in the Old Town District as defined in Article 8-3L.7. Creative designs are strongly encouraged, especially hanging signs, to distinguish the Old Town District. The Old Town Design Standards, Commercial Standard 9, shall be required if the subject property is located in the Old Town District and is subject to review by the Architectural Review Committee.

2. Commercial and industrial districts. All signs shall be earth tone colors in the Old Town District. All signs and their supporting members shall be constructed of non-combustible materials or fire-retardant treated wood, which maintains its fire-resistive qualities when tested in accordance with the rain and weathering tests of the state building code standards.

3. Non-treated signs. All wall, ground, marquee, and projecting signs of twenty (20) square feet or less may be constructed of non-treated wood.

4. Directly illuminated signs. All signs illuminated from within may be faced with plastics approved by the state building code. All commercial signs shall be externally lit in the Old Town District with low-voltage, high-intensity lighting.

5. Glass. All glass used in signs shall be shatter resistant, or covered by a shatter-resistant material.

6. Wood. Wood in contact with the ground shall be foundation-grade redwood, foundation-grade cedar, all-heartwood cypress, or any species of wood, which has been pressure treated with an approved preservative. Trim and backing strips may be constructed of wood.

7. All letters, figures, and other message elements shall be safely secured to the sign structure.

8. Each electrical sign shall be constructed to meet the requirements of the state electrical code.

9. No sign shall be erected or maintained in such a manner that any portion of its surface or its supports will interfere in any way with free use or access to any fire escape, exit, or standpipe. No sign shall be erected or maintained so as to obstruct any window so that light or ventilation is reduced below minimum standard required by any applicable law or building code.

10. No sign face, supporting member of a sign, or other obstruction will be permitted to obstruct the view from an automobile at an intersection from approaching traffic. The location of a sign and its supporting members must be such that a car, if stopped at an intersection, can see clearly for the distances set forth in the table below. The location of the stopped car and the approaching traffic will be determined by assuming streets are improved to standards in accordance with their street classification set forth in the Transportation System Plan (8-1).

TABLE 1. Speed Limits and Vision Distance

Speed Limit of On-Coming Traffic	Clear Vision Distance of Approaching Traffic
10 mph	21 ft.
15 mph	36 ft.
20 mph	55 ft.
25 mph	76 ft.
30 mph	101 ft.

35 mph	129 ft.
40 mph	160 ft.
45 mph	195 ft.
50 mph	232 ft.
55 mph	273 ft.

Signs constructed lower than two (2) feet or their lowest portion higher than nine (9) feet in height, measured from the top of the curb, or where no curb exists, from the established street centerline grade, are permitted and are not considered to obstruct visibility. Objects with a horizontal dimension of twelve (12) inches or less are not considered to obstruct visibility.

11. All signs projecting over a sidewalk or public right-of-way shall be at least ten (10) feet in height. No sign shall project farther than five (5) feet into any public right-of-way, except in alleys where signs shall not be constructed in a manner that would prohibit the movement of delivery trucks. In any event, no sign shall project beyond a curb or into a roadway.

B. Maintenance and Inspection.

1. All signs shall be maintained at all times in a state of good repair.

2. Any sign erected or maintained in violation of this Section is a public nuisance and the City may issue a 45-day written notice that requires the owner of the sign or of the premises to correct the unlawful condition or remove the sign. It shall be unlawful for any person who owns or controls the sign, or the premises on which it is situated, to fail to obey such an order within the time prescribed. The City shall give the notice by registered mail to the owner of the sign, or if the sign owner cannot be located, to the owner of the building or premises upon which the sign is located. If the sign owner or property owner has not removed or corrected the sign within the 45-day period, the City may requisition the removal of the sign, and the charge for removal shall become a lien on the property. If the City finds that any sign is in violation of this Section to the extent that it deems it an immediate and serious danger to the public, it may order its immediate removal.

3. Upon discontinuance in business or occupancy of any establishment, the City shall require the removal of the signs and supporting structures advertising or identifying the establishment according to the procedure set forth in 738(B)2.

8-3J.750 ABATEMENT OF BILLBOARDS AND OFF-PREMISE ADVERTISING

All billboards and other off-premise advertising signs, except as otherwise provided in Section 736(B), are hereby declared a public nuisance. Any sign nonconforming under this section and in existence on the date of this ordinance, if on private property, shall be

removed immediately upon change of ownership of the property upon which the sign is located.

8-3J.760 NON-CONFORMING SIGNS

Any sign that existed prior to the effective date of this Article (when originally adopted by Ordinance No. 723 on 21 August 2002), but does not conform to the provisions and requirements set forth in this Article, shall be a "non-conforming" sign. Non-conforming signs may be continued and maintained in reasonable repair, but shall not be altered, relocated, or replaced, (even if accidentally destroyed) except as provided in this Section:

A. An existing non-conforming sign may not be altered or replaced unless reviewed and approved by the City Planner or Planning Commission. To grant such a permit, the City Planner or Planning Commission must find:

1. That the proposal meets all criteria for a conditional use permit under Section 8-3L.270; and

2. That the non-conformity will not be increased in any respect.

Application shall be made on forms provided by the City under Section 730. The filing fee and the procedure thereafter shall be the same as for a conditional use permit.

8-3J.770 VARIANCES

Any person or firm, including but not limited to, a sign owner, a tenant, the fabricator, installer, or painter of a proposed sign, may seek a variance to the provisions of this Article by following the procedures prescribed by Article 8-3L.4. The fee for a variance shall be in an amount fixed by ordinance. The Planning Commission may grant a variance to this ordinance if, after holding a public hearing, it finds:

A. Uncommon Condition of Premises or Nature of Use. Because of circumstances beyond the control of the applicant, including the lot size, shape or orientation; the topography; or the location of other signs or obstructions, the proposed sign is the only practical method to adequately identify and advertise the premises; or the sign has a special quality, such as a barber pole, that traditionally identifies the given use; or the proposed sign helps to accentuate the quality of any historical structure or policy identified by City ordinance; and

B. No Detriment. The proposed sign will not be detrimental to the neighborhood environment, is within the intent and purpose expressed in Section 710 of this Article, and will conform with the Comprehensive Plan; and

C. Minimum Variance. The proposed sign represents the minimum variance necessary to carry out the purposes set forth above.

8-3J.780 PENALTIES

On conviction, any person who violates any of the provisions of this Article shall be punished by a fine not exceeding $150 per day of the violation, or by confinement not exceeding five days, or both, in the discretion of the municipal court. Such person shall be deemed guilty of a separate offense for each daythat the violation continues. The continued maintenance of a sign installed in violation of this ordinance constitutes a public nuisance and it, or the condition constituting the violation, may be abated in accordance with the procedures of the general nuisance abatement ordinances of the City (Ch. 4-8); provided that the violation constituting the nuisance has been adjudged after a Talent Municipal Court hearing. The City Council may, after according the property owner ten (10) days notice and a reasonable opportunity to be heard before the City Council, authorize the Chief of Police or designated Code Enforcement Officer to go upon the premises and summarily abate the nuisance.