



## ORDINANCE NUMBER 2023-03

### The City of Joseph ordains as follows:

**ESTABLISHING A SIDEWALK AND SIGN POLICY AND REPEALING ORDINANCES 2003-02 AND 2018-04 CITY OF JOSEPH SIGN ORDINANCE.**

#### **CITY OF JOSEPH SIDEWALK - SIGN ORDINANCE**

##### **ARTICLE 1: Purpose of Sign Regulations**

Regulations governing signs are established to ensure the safe construction, erection and maintenance of signs; to protect the safety, property and welfare of the public; and to provide uniform standards for all sign users and commercial or business use of sidewalks.

The City encourages a clean and orderly appearance to buildings and property and a western motif whenever possible.

The City encourages high quality craftsmanship for sign construction.

##### **ARTICLE 2: Definitions**

**Abandoned sign:** Any sign which advertises or represents an activity, business, product or service which has been discontinued.

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

**Canopy:** A non-movable roof-like structure attached to a building.

**Sign:** A device, structure, or fixture which incorporates graphics, symbols or written copy visible to the public that is intended to communicate information.

**Bench Sign:** Any sign located on any part of the surface of a bench or seat located in or adjacent to the public right-of-way.

**Illuminated Sign:** Any sign internally illuminated in any manner by an artificial light source.

**Non-conforming Sign:** Any sign that does not meet the standards of this ordinance.

**Overhanging Sign:** A sign that directly or indirectly extends from a building or other structure or improvement on private property, over a public right-of-way or public property, including without limitation intended, signs hanging from awnings or canopies which extend over a public right-of-way, and signs extending from the front of a building over a public sidewalk.

**Portable Sign:** a sign that is capable of being moved easily and is not affixed to the ground or a structure.

**Temporary sign:** A temporary sign is a sign which is intended to be displayed for a limited time only. Such signs include real estate availability signs, construction signs, special events signs, holiday decorations, signs and banners announcing grand opening events, yard sale signs and other temporary signs.

Temporary Signs may be permitted in Residential Districts subject only to the provisions contained in this ordinance. Temporary Signs may be permitted in Non-Residential Districts subject only to the provisions contained in this ordinance.

### **ARTICLE 3: Residential Districts:**

Temporary signs in Residential Districts may be installed as window signs or lawn signs, pursuant to the following:

**1. Window Signs:** Temporary signs installed as window signs shall be no greater than six (6) square feet in area. The combined total surface area of all temporary window signs shall be no greater than twelve (12) square feet.

#### **2. Lawn Signs**

**a. Size:** Temporary signs installed as lawn signs shall be no greater than six (6) square feet in area and no greater than four (4) feet in height. The combined total surface area of all temporary lawn signs shall be no greater than twelve (12) square feet.

**b. Location:** Temporary lawn signs shall be located a minimum of twenty (20) feet from the nearest edge of the sidewalk and shall not be placed within the side-yard setback.

**c. Height and Location Exceptions:** If, due to the topography, existing foliage, or other similar condition existing as to a particular property, conformance with the size and height regulations set forth herein would impair the visibility of a temporary lawn sign as observed from the street, then the Zoning Administrator may grant exceptions to the size and location regulations above pursuant to the following:

**1.** The height and area requirements above may be increased by a factor no greater than fifty percent (50%).



2. The lawn sign may be placed within twenty (20) feet of the sidewalk, or within the side-yard setback.

In determining whether to grant an exception, the sole standard to be used by the Zoning Administrator is the visibility of the sign and no sign shall exceed that height, area or distance which is reasonably necessary to render the sign visible when observed from the street.

3. All temporary signs in residential districts shall be displayed no more than forty-five (45) days after placement, after which time they must either be removed or replaced.

#### **ARTICLE 4: Commercial Districts**

1. **Availability Signs:** Availability signs such as "For sale," "Vacancy," or "For rent" may be permitted to announce the sale, rental, or lease of the lot where the sign is displayed or to announce the sale, rental or lease of one or more structures or a portion thereof, located on the lot. Such signs may indicate the owner, realty agent, telephone numbers, or "open house" information. Such signs:

- a. Shall not exceed twelve (12) square feet in area.
- b. Shall be located upon or within any building or portion of building occupied or to be occupied by any single business enterprise.
- c. Shall only advertise the rental, lease, or sale of such building or portion thereof.
- d. Shall also meet or exceed the front yard setback established within the zoning district, regardless of whether a building is present on the lot.

2. **Construction Signs:** Construction signs on non-residential property may not exceed thirty-two (32) square feet in area or eight (8) feet in height. Such signs may identify the owner's name, the architect, the contractors, the financing arrangements, and the purpose for which the project is intended. No products or services may be advertised on construction signs. One (1) construction sign may be placed on each part of the lot or on each face of the building that borders a public street. A minimum setback of ten (10) feet from the property line or the building setback line, whichever is less, is required for any construction sign. A construction sign shall not be erected before construction starts, and it shall be removed within fourteen (14) days after the use commences or construction is completed, whichever occurs first.

3. **Event Signs:** Event signs may not exceed a maximum size of six (6) square feet in area, or covering all portions of an existing permitted sign, whichever is greater, and must be located on the premises of the event, excluding any residential use, announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization.

4. **Holiday Decorations:** Holiday decorations displayed in connection with civic, patriotic or religious holidays.

5. **Grand Opening Signs:** Grand opening signs or banners announce the opening of a business on the premises located in a non-residential zoning district. Such a sign may be displayed for not more than thirty (30) days from the date on which the activity commences, and shall not exceed the requirements applicable for an identification wall sign at the location. Grand opening

signs may be installed on the premises only to identify a newly established business which has changed ownership or has newly located on the premises.

**6. Temporary Window Signs:**

**a. Area of Temporary Signs.** Except as otherwise provided above, one (1) or more temporary window signs may be displayed on each window of the premises, but the total area of all window signs in any one (1) window shall not exceed ten percent (10%) of the area of that window.

**b. Area of all Temporary and Permanent Signs.** The combined area of all temporary and permanent window signs in any one (1) window shall not exceed twenty percent (20%) of the area of that window.

**c. Time Limit.** Temporary window signs in Commercial Districts shall be displayed no more than thirty (30) days after placement, after which time they must either be removed or replaced.

**ARTICLE 5: Installation**

- A.** The Installation of all signs shall be in compliance with the State Structural Code in effect at time of installation.
- B.** No signs shall be located in such a way as to prevent free ingress from any door, window or fire escape as require by law.

**ARTICLE 6: Maintenance**

All signs, including their supports, braces, guys and anchors shall be kept in good repair and be maintained in a safe condition. Signs shall be kept free of corrosion, peeling or faded paint and other surface deterioration. Illuminated signs shall function properly.

**ARTICLE 7: Prohibited Signs**

The following signs are prohibited:

- A.** Any sign that obstructs the clear vision of any motor vehicle operator.
- B.** Any sign that interferes with, misleads, disrupts, or confuses any motor vehicle operator, such as signs that contain the words “stop”, “look” or danger”.
- C.** Any sign that impedes travel on any pedestrian or vehicular travel surface.



- D. Any sign with flashing, moving, or animated lights, letters or visuals, except athletic score boards.

**Exception:** Signs that flash or move will be allowed on auxiliary (side) streets and businesses that set back at least ten (10) feet from the adjoining public right-of-way, (for example in shops in malls); provided the signs are turned off not later than the earlier of (i) the close of business, or (ii) 9:00 P.M. and do not operate on any day when the use described on the sign is inoperative. Lights must be directed to face the Commercial Zone and backed so that they do not encroach the Residential Zone.

- E. **Portable signs within the public right-of-way.** No signs shall be placed within the public right-of-way except:

1. One freestanding sandwich board sign shall be permitted in the public right-of-way to advertise community interest events sponsored by public or non-profit entities, during the period which begins six (6) hours before the applicable event and ends at the conclusion of the event or if the event continues for more than one day, at the conclusion of the portion of the event conducted each day.
2. One freestanding sandwich board sign shall be permitted in the public right-of-way to advertise a lawful use conducted in a building immediately adjacent to such a portion of the public right-of-way, during any period of time the use is actual in operation

Despite any other provisions of Subsections (1) and (2) of this Section (E) to the contrary: (i) no sign shall be placed or maintained in the public right-of-way between the period beginning one-half hour before sunset and one-half hour after sunrise; (ii) no sign shall be placed or maintained in the public right-of-way if there will remain less than five (5) feet of unobstructed width in the immediately adjacent public sidewalk, or if the sign will obstruct any fire hydrant, access ramp or other site specific public improvement of any nature; (iii) no sign placed or maintained under Subsections (1) or (2) of this Section (E) shall be more than forty-eight (48) inches from the highest surface of the public right-of-way to the highest point of the sign, nor be more than thirty six (36) inches wide; (iv) no sign shall be permitted under Subsection (1) or (2) unless professionally prepared. Signs shall be allowed to remain in place during special events, for the duration of the special event and must be removed immediately after the conclusion of the event.

- F. **Abandoned Signs.** Abandoned signs must be removed within sixty (60) days of closure or relocation of business.

Exception: A sign in compliance with this ordinance in every other manner may remain in place if the business name is for sale along with the business at the signage location.

**G. Bench Signs.** No Bench Signs shall be permitted in any public right-of-way, except on benches authorized by the City of Joseph in writing. Authorization to place a bench within any public right-of-way shall be month-to-month and shall never be authorized if placement of the bench would leave less than five (5) feet of unobstructed width on the immediately adjacent public sidewalk. Any authorization granted under this Section (G) shall be limited to a specific location. Memorial benches shall be excluded from the provisions of this section.

**H.** Signs which extend above the lowest point of the roof of the building to which they are attached.

Exception: Signs may extend above the lowest point of the roof of the building to which they are attached so long as the highest point of the sign does not exceed the lessor of (i) the maximum building height permitted under the Joseph Zoning Ordinance or other governing law, or (ii) sixteen (16) inches above the lowest point of the roof of the building to which the sign is attached.

**I.** Overhanging Signs which are less than eight (8) feet vertically from the surface of the public right-of-way or which extend more than six (6) feet over the public right-of-way. Exceptions are:

1. Commemorative plaques are allowed on City-sanctioned artwork.
2. Lawful uses conducted in building fronting auxiliary streets (those streets which are not state highway and which are oriented in an east-westerly fashion) are allowed one overhanging sign that meets all of the following requirements:
  - a. The sign is safely and securely attached to structure (or other foundation) located outside the public right-of-way,
  - b. The sign is not supported by any vertical supports located within the public right-of-way,
  - c. The sign has a minimum vertical clearance of seven (7) feet over the public right-of-way or walkway,
  - d. The sign does not block the visibility of traffic control signs to motorists,
  - e. The sign does not extend (overhang) more than six (6) feet into the public right-of-way.
  - f. No more than eighteen (18) square feet of any otherwise allowable perpendicular sign shall extend (overhang) the public right-of-way, and
  - g. The sign is the only overhanging sign for the business at the signage location



3. Lawful uses conducted in building adjoining the State right-of-way, may erect and maintain a free-standing sign in any space between the property line and the adjoining public sidewalk, which shall not overhang the sidewalk nor be closer than twelve (12) inches from the perimeter of the public sidewalk closest to the property line.
4. The City may revoke the authorization to erect and maintain a sign under this Subsection (3) on any reasonable grounds on sixty 60 days prior notice to the owner of the applicable building.

#### **ARTICLE 8: Other Prohibitions**

- A. Merchandise for sale, including but not restricted or limited to tables, chairs and benches shall be allowed as long as the minimum of five (5) feet of unobstructed walkway is maintained. Merchandise must be displayed and sold in a manner which shall ensure five (5) feet of unobstructed public sidewalk is maintained at all times. Any display or sale of merchandise which directly or indirectly reduces the unobstructed portion of the public sidewalk to less than five (5) feet must immediately suspend operations for so long as such effect continues. The provisions of this Subsection (A) shall be applicable solely within the Joseph Commercial Zone. Merchandise must abut owner's property line. All aforementioned items shall be stable and safe. All such items must be removed at the end of each business day.
- B. No permanent items shall be placed in the public right-of-way.  
Exceptions: Benches are allowed as long as they conform to Article 5-G of this ordinance.
- C. Banners, windsocks, "open" flags, federal, state and county flags may be displayed provided that  
Exception:
  1. No part of the flag or its support structure hangs less than seven (7) feet above the public walkway, and
  2. It is no closer than four (4) feet to a vertical line extended from the curb or edge of the traveled portion of the public right-of-way.
  3. All flags, banners, windsocks, etc. must be taken down at the close of each business day. Unless lights are provided and proper "flag etiquette" is observed for the federal, state and county flags.
- D. Flower or plant containers, decorative items and seasonal decorations are allowed provided that:
  1. The item is attached to or abuts the business property displaying the item
  2. The item allows a minimum of five (5) feet of unobstructed right-of-way.

- E. No signs shall be placed in the planter boxes with the exception of City issued warning signs or devices.
- F. All umbrellas, shade like devices and outdoor seating intended for dining shall adhere to **ARTICLE 6** of this ordinance. This does not pertain to awnings permanently attached to buildings.
- G. Sidewalk furnishings shall not be placed in the public right of way where they may interfere with safe line of site distance or may otherwise pose a traffic safety hazard.
- H. Sidewalk furnishings shall not be placed where they may interfere with pedestrian path of travel or may create a hazard.
- I. Equipment for the service of customers, including but limited to trays, carts, eating or drinking utensils, linens, and cooking appliances shall not be placed or maintained on any portion of the sidewalk; and umbrellas and free-standing canopies shall have a minimum height clearance of seven (7) feet over the pedestrian walkway. Umbrella bases shall be completely within the permit area. All non-metallic umbrellas and canopies shall be flame proof.
- J. Outdoor lighting is required where food and drinks are served in the evening. Lighting shall not cause glare or visual obstruction to drivers or pedestrians. Electrical cords or strings of lights may not be strung or placed on public right of ways. All sidewalk dining areas must comply with Americans with Disabilities Act (ADA) guidelines.

#### **ARTICLE 9: Responsibility for Damage and Injury**

- A. Each person and entity which places or maintains a sign, improvement, merchandise or other item authorized by this Ordinance, shall: (i) be solely responsible for the safety of all persons and property which might be injured, killed or damaged as a result of thereof; (ii) be solely responsible for the compliance with all applicable law (including all codes); and (iii) shall indemnify, defend, and hold the City of Joseph, its councilors and employees harmless from all liabilities, damages, costs and expenses, including reasonable attorneys' fees, incurred by the City and arising out of any such sign, improvement, merchandise or other item.
- B. A certificate evidencing such insurance coverage shall be provided to the City Recorder/Administrator prior to the placement of any sign, bench, table, chair or merchandise within a public right-of-way.

#### **ARTICLE 10: Permit Requirements, Application and Fees**

- A. Any person who complies with the provisions of this Code and is issued a permit hereunder is authorized to place personal property or merchandise upon the sidewalk pursuant to the permit terms and conditions. Each permit shall be effective



for one year, starting July 1<sup>st</sup> of each year and is subject to annual renewal and immediate revocation if any of the terms and conditions of the permit is breached.

- B. Permit requirements. The use of a sidewalk is the sidewalk area found directly in front of an establishment and remains within the width of the business itself.
- C. A permit is required for any/all sidewalk use or operations. Furthermore, the use of the sidewalk to display merchandise is a privilege and not a right. Any person who violates the conditions of this article and/or the permit shall be subject to having said permit revoked. Should a violation occur, notice shall be given to the Permittee and a hearing held with notice by the City of Joseph municipal court with respect to the violations(s).
- D. Permit application. Anyone desiring to place personal property or merchandise upon the sidewalk must apply for a permit at City Hall on forms provided by the City Administrator. Such application shall include, but not be limited to the following information:
  - 1. Name, address, telephone number and form of business of the applicant.
  - 2. The written consent of the property owner owning the real property immediately adjacent to the sidewalk area subject to the application.
  - 3. A copy of the applicant's commercial general liability insurance from one or more U.S. domiciled insurance companies licensed to do business in the State of Oregon which provides coverage for bodily injury, personal injury and property damage liability in the amount of at least one million dollars (\$1,000,000.00) for each occurrence, and two million dollars (\$2,000,000.00) in the aggregate and naming the City of Joseph, its councilors and employees as an additional insured.
  - 4. All insurance information submitted to the City shall be updated annually.
- E. Such annual permit is not transferrable or assumable.
- F. Permit fees shall be annual and be determined by the City Council and shall be set forth by council resolution.

#### **ARTICLE 11: Violations**

- A. Any person who violates the provisions of this ordinance shall be guilty of a violation.
- B. If a person violates the provisions of this ordinance ("Violator"), the City shall mail written notice briefly describing the violation ("Notice of Violation") to the last mailing address of the Violator known to the City by first class mail and the Violator shall have ten (10) days after the date such notice is mailed ("Cure Period"), to cure the violation; provided,

however, that there shall be no requirement the City mail Notice of Violation and there shall be no Cure Period if either; (i) the violation is deemed by the City to create a hazard to human life or safety or if the sign, merchandise or other use of the sidewalks or public walkways violates this ordinance is located within any public right-of-way or public property; or (ii) the Violator was given notice by the city during the preceding twelve 12 months of the same or any similar violation of this ordinance.

- C. If a sign is erected or maintained or if merchandise is displayed or other use is in violation of this ordinance; then the City shall have the right but not the obligation to remove the sign erected or maintained or merchandise displayed or other use in violation of this ordinance after the expiration of any applicable Cure Period.
- D. Each day a sign erected or maintained or merchandise is displayed in violation of this ordinance shall be a separate violation.
- E. Each Violator shall in addition to any fine which may be imposed for each day a violation of this ordinance occurs, shall be liable for payment of all costs, expenses and liabilities incurred by the City arising out of such violation, including the City's attorney's fees.

#### **ARTICLE 12: Penalties**

- A. A person commits the offense of a violation of the Sidewalk-Sign Ordinance if he/she
  - 1. Fails to comply with or violates any provision of this ordinance
  - 2. Develops or maintains a sign, displays merchandise or uses the sidewalks or public walkways contrary to the terms of this ordinance.
- B. The City staff shall serve any person in violation of this Ordinance with written notice stating the nature of the violation and providing ten (10) days for the satisfactory correction thereof.
  - Exception: any sign, display of merchandise or other use of the sidewalks or public walkways is deemed a danger to pedestrian or vehicular traffic may be immediately removed by the City and a fee shall be levied for the return of the sign or merchandise to the owner.
- C. Any sign or use of the sidewalks or public walkways is not brought into compliance within the specified time may be removed by the City. Any merchandise placed in the public right-of-way or violations of the Article 6 and not removed within the time specified may



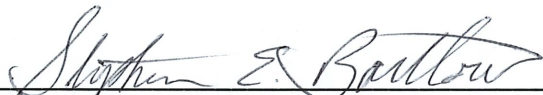
be removed by the City. The cost of the removal and/or storage shall be borne by the business or property owner. The City may lien the property for said costs.

- D. Any person who shall continue any violation beyond the time set, shall be charged with a violation and upon conviction thereof, shall be fined in an amount to be established by resolution of the Joseph City Council. Each day the violation shall continue shall be deemed a separate offense.

READ in its entirety this 5th day of October, 2023

READ by title on this 2nd day of November, 2023

**PASSED AND ADOPTED** by the City Council of the City of Joseph, Oregon, and signed by the Mayor of the City of Joseph, Oregon, this 2nd day of November, 2023, effective 30 days after the Mayor signs.

  
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Mayor Pro Tem

**Attest:**

  
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City Recorder