

## SIGNS

## (Directional Signs)

## 35.105 PURPOSE; APPLICATION; AUTHORITY.

(1) The purpose of Sections 35.105 to 35.160 is to establish standards for directional information signs erected within county rights-of-way for qualified tourist-oriented businesses offering services or activities, qualified historical features, or qualified cultural features, including resort and recreational areas and non-commercial or civic enterprises.

(2) Sections 35.105 to 35.160 are applicable to the county highway system.

(3) The authority for Sections 35.105 to 35.160 is ORS 368.950. [Ord. 85-05, Sec. I; amended by Ord. 90-5, Sec. 1]

## 35.110 DEFINITIONS.

As used in Sections 35.105 to 35.160, the following definitions shall apply unless the context indicates otherwise:

- (a) "Applicant" means a person applying for a permit for a tourist-oriented directional sign or other permitted type of sign.
- (b) "Directional information" means the name of the business, service, or activity, qualified historical feature or qualified cultural feature, placed on a tourist-oriented directional sign.
- (c) "Director" means the Polk County Road Official.
- (d) "Main traveled way" means through traffic lanes of said systems exclusive of frontage roads, auxiliary lanes, and ramps.
- (e) "Non-commercial or civic enterprise" is one of benefit to the community or an identifiable portion thereof as determined by the County Road Official. All references in Sections 35.105 to 35.160 to tourist-oriented signs shall apply to non-commercial or civic enterprises except where specifically distinguishable.
- (f) "Owner" means a holder of fee title, or lessee.
- (g) "Qualified cultural feature" means a museum approved by the Polk County Museum Association after consulting with the Oregon Historical Society and the Oregon Museum Association.
- (h) "Qualified historical feature" means a museum approved by the Polk County Museum Association after consulting with the Oregon Historical Society and the Oregon Museum Association.

- (i) "Qualified tourist-oriented business" means any legal, cultural, historical, recreational, educational, or entertaining activity or a unique or unusual commercial or non-profit activity the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.
- (j) "Responsible operator" means a person or entity other than an owner who operates a qualified tourist-oriented business and who has authority to enter into an agreement relative to matters covered by these regulations.
- (k) "Department" means the Polk County Public Works Department.
- (l) "Tourist-oriented directional sign" means a sign panel with the name of a qualified tourist-oriented business, service or activity, or qualified historical feature, or qualified cultural feature, together with directional information erected in advance of or at intersections on the county highway system. [Ord. 85-5, Sec. II; amended by Ord. 90-5, Sec. 2]

#### 35.115 LOCATION.

(1) Tourist-oriented directional signs are intended for use primarily in rural areas. Any installation of tourist-oriented directional signs in urban areas shall be consistent with the Polk County signing policy criteria contained in Section 35.135.

(2) Tourist-oriented directional signs should be located so as to take advantage of natural terrain, to have the least impact on the scenic environment, and to avoid visual conflict with other traffic control devices within the highway right-of-way.

(3) Tourist-oriented directional signs shall not be installed until a thorough investigation by the Department determines that no unsafe driving conditions will exist. [Ord. 85-5, Sec. III; amended by Ord. 90-5, Sec. 3]

#### 35.120 CRITERIA FOR INFORMATION.

(1) Each qualified tourist-oriented business identified on a tourist-oriented directional sign shall have given written assurance to the Department of its conformity with all applicable laws concerning the provisions of public accommodations without regard to race, religion, color, sex or national origin, and shall not be in breach of that assurance.

(2) Except for undeveloped cultural and historic features, a qualified tourist-oriented business shall have adequate parking accommodations.

(3) Qualified undeveloped cultural and historical features shall include:

- (a) Adequate parking accommodations.
- (b) An informational device to provide public knowledge of the feature. [Ord. 85-5, Sec. IV; amended by Ord. 90-5, Sec. 4]

### 35.125 SIZES; COMPOSITION.

(1) Tourist-oriented directional signs shall have a blue reflectorized background with a white reflectorized border and message. The intersection sign shall not exceed 30 inches in height and 30 inches in length. The content of the legend shall be limited to the identification of the business or feature and shall not include promotional advertising as determined by the Department. A two-inch letter height shall be used where permitted. Messages, symbols, and trademarks which resemble any official traffic control device are prohibited. All tourist-oriented directional signs shall conform to applicable portions of the Manual on Uniform Traffic Control Devices including, but not limited to, size, location and spacing.

(2) All directional arrows, letters, and numbers [used in the name of the type of service and the directional legend] shall be white and reflectorized.

(3) A maximum of four tourist-oriented businesses may be displayed at each location. A maximum of three locations may be utilized at an intersection for a maximum of twelve signs per intersection. For the purposes of this ordinance, the intersection will be considered to be within 200 feet of the point where all roadway surfaces meet at the centerline. [Ord. 94-10, Sec. 3]

(4) If the Department determines it is appropriate, two or more businesses or features may utilize a single sign within the size requirements of this section. [Ord. 85-5, Sec. V; amended by Ord. 90-5, Sec. 5]

35.130 [Ord. 85-5, Sec. VI: repealed by Ord. 90-5, Sec. II]

### 35.135 COUNTY SIGN POLICY.

Tourist-oriented directional signs are primarily intended for installation at rural intersections. Tourist-oriented directional signs may be installed within urban areas if the Department determines that the roadside development does not appear to the motorist to be urban in character or terrain features or other features indicate a need for tourist-oriented directional signs to properly direct the motoring public. [Ord. 85-5, Sec. VIII; amended by Ord. 90-5, Sec. 6]

### 35.140 APPLICATION AND ELIGIBILITY.

(1) If applications are received for any one intersection for more than the allowable number of signs, the order of priority shall be based on the date of receipt of a properly completed application and the required fee.

(2) The owner or responsible operator of a business must file an application for installation of its tourist-oriented directional sign on a form specified by the Department, and tender the permit fee.

(3) Any grant of an application shall entitle the applicant to continuance of its tourist-oriented directional sign until (a) removal is requested by the applicant; or (b) the sign becomes unservable through age (approximately 4 years); or (c) due to vandalism; or (d) if general public interest and concern require removal. [Ord. 94-10, Sec. 2]

(4) Eligibility of qualified tourist-oriented businesses for continued placement of their tourist-oriented directional sign may be reviewed annually before granting a renewal permit. If payment is not made for a renewal permit within 30 days after the due date, the tourist-oriented directional sign may be removed.

(5) Notwithstanding the fact that a tourist-oriented business meets all of the other eligibility requirements of Sections 35.105 to 35.160, an application may be denied if it is determined after investigation by the Department that adequate direction to the business cannot be given by a reasonable number of allowable tourist-oriented directional signs or if any other safety concern is determined. [Ord. 85-5, Sec. IX; amended by Ord. 90-5, Sec. 7]

#### 35.145 APPEALS.

Any order of the Department denying an application or waiver under Sections 35.105 to 35.160, or for removal of a sign panel under Sections 35.105 to 35.160, may be entered administratively without hearing, subject to appeal rights to the Board of Commissioners. The Department shall notify applicants promptly on any application or waiver denial or decision to remove a sign panel under Sections 35.105 to 35.160. [Ord. 85-5, Sec. X; amended by Ord. 90-5, Sec. 8]

#### 35.150 INSTALLATION; INITIAL FEE; RENTAL FEE.

(1) The County has sole authority to furnish, erect, and maintain tourist-oriented directional signs. Applicants shall be notified when sign(s) are erected.

(2) The permit fee for each tourist-oriented directional sign shall be in an amount prescribed by the Board of Commissioners payable with the application. Signs requiring more lettering or materials than usual may be subject to additional charges. There shall be no refund of any TODS costs. [Ord. 89-5, Sec. 6 and Ord. 90-5, Sec. 9; amended by Ord. 94-10, Sec. 2.]

#### 35.155 EXISTING LOCATIONS.

Notwithstanding any other provisions of Sections 35.105 to 35.160, the size, dimensions, and proportions of tourist-oriented directional signs placed at existing locations shall be of the size, dimension, and proportion as determined by the Department and consistent with state and county regulations. [Ord. 85-5, Sec. XII; amended by Ord. 90-5, Sec. 10]

#### 35.160 REMOVAL OR REINSTALLATION FEE.

(1) After the initial installation of any tourist-oriented directional sign, a fee in an amount prescribed by the Board of Commissioners shall be charged for:

- (a) Temporary removal because of temporary or seasonal closure of the qualified tourist-oriented business.
- (b) Reinstallation of any tourist-oriented directional sign pursuant to paragraph (a) of this subsection.

(2) The fee for reinstallation due to theft or vandalism shall be in an amount prescribed by the Board of Commissioners. [Ord. 85-5, Sec. XIII; amended by Ord. 89-5, Sec. 7]

## (Temporary Signs)

As used in Sections 35.205 to 35.245:

- (a) "Road" means any State highway, County road, or other public way outside an incorporated area and within Polk County.
- (b) "Sign area" means the overall dimensions of a single panel capable of displaying messages on a sign structure. When dimensions of a sign are specified, the term includes both sides of a sign of specified dimensions or areas.
- (c) "Temporary sign" means a sign, as defined by ORS 377.719, that by its design, construction, and placement is not reasonably intended or cannot reasonably be expected to remain in a neat, clean, and attractive condition for longer than six (6) months.
- (d) "Visible" means capable of being seen without visual aid by a person of normal visual acuity, whether or not legible from the main-traveled way of a road. [Ord. 88-26, Sec. 1; amended by Ord. 89-12, Sec. 1; Ord. 90-11, Sec. 1]

### 35.210 PERMISSIBLE TEMPORARY SIGNS.

No temporary sign may be erected or maintained which is visible to the traveling public from a road outside an incorporated city unless:

- (a) The sign area does not exceed 32 square feet. However, in areas zoned for residential use, five acres or less minimum lot size, the sign area shall not exceed eight square feet. This section does not intend to preclude V-type signs, and does allow for signs facing in two directions; and
- (b) The sign bears the name and address of the individual or entity causing it to be erected and maintained; and
- (c) Except as provided in Section 38.238, a permit has been obtained from Polk County; or
- (d) The advertising is placed on an "outdoor advertising sign" required by ORS 377.725 and OAR Chapter 733 Division 10. [Ord. 88-26, Sec. 2; amended by Ord. 89-12, Sec. 2; Ord. 90-11, Sec. 2]

### 35.215 DISPLAY TIME LIMITED.

No temporary sign may be maintained under Section 35.210 later than 5 days after the event for which it is erected or maintained. [Ord. 88-26, Sec. 3; amended by Ord. 89-12, Sec. 3]

### 35.220 REMOVAL OF NON-COMPLYING SIGNS.

A County Road Official may lawfully remove or destroy, without resort to legal proceedings, any temporary sign erected or maintained within the limits of the right-of-way of a road outside an incorporated city. A County Enforcement Officer may remove or order the removal, without prior written notice, of any temporary sign erected or maintained without a permit or in violation of Sections 35.205 to 35.245. [Ord. 88-26, Sec. 4; amended by Ord. 89-12, Sec. 4]

### 35.225 PENALTY.

Violation of Section 35.210 or 35.215 is punishable upon conviction by a fine of not more than \$500, in addition to any other remedy provided by law to Polk County. If a temporary sign does not bear the name and address of the individual or entity causing it to be erected and maintained, the owner of the property upon which the sign is located rebuttably is presumed to have caused it to be erected and maintained. [Ord. 88-26, Sec. 4; amended by Ord. 89-12, Sec. 5; Ord. 90-11, Sec. 5]

### 35.230 PERMIT; FEE.

Prior to erecting or maintaining a temporary sign, except as provided in Section 35.238, a permit shall be obtained from Polk County. If an individual or entity proposes to erect and maintain multiple temporary signs advertising the same event, only one permit is required. If required by the Board of Commissioners, each application for a permit shall be accompanied by a fee. The amount of any fee shall be established by a resolution of the Board of Commissioners. If a fee is established, it shall be uniform for all temporary signs erected or maintained by the permittee. [Ord. 88-26, Sec. 6; amended by Ord. 89-12, Sec. 6; Ord. 90-11, Sec. 3]

### 35.235 EFFECT OF APPLICATION.

By signing the application the applicant agrees as follows:

- (a) Signs will not be erected or maintained in violation of Sections 35.205 to 35.245 or State Statute; and
- (b) If the County removes any of the applicant's illegally erected and maintained signs, the applicant will pay the County's cost of removal. [Ord. 88-26, Sec. 7; amended by Ord. 89-12, Sec. 7]

35.237 [Ord. 89-12, Sec. 8; repealed by Ord. 90-11, Sec. 4]

### 35.238 PERMIT EXEMPTIONS.

The following do not require a permit under Section 35.230:

- (a) Repainting, maintenance, and repair of existing signs unless a structural change is made.
- (b) Signs not visible from the right-of-way.

- (c) Holiday decorations for display on private property.
- (d) Political campaign or ideological signs that meet the following conditions:
  - (i) Is located on private property; and
  - (ii) Is located with the consent of the legal possessor of the premises; and
  - (iii) Is not located on utility poles or in the public right-of-way; and
  - (iv) Conforms to the size vision clearance requirements otherwise prescribed under Sections 35.205 to 35.245; and
  - (v) Is maintained in a neat, clean and attractive condition; and
  - (vi) Complies with the 5-day limitation prescribed by Section 35.215.
- (e) Temporary signs which are placed on a parcel of real property by the owner of the parcel, or agent thereof, to advertise an event pertaining specifically to that parcel, if such event is permissible under applicable laws and ordinances, including the Polk County Zoning Ordinance, and that comply with the requirements set out in subsection (4) of this section. [Ord. 90-11, Sec. 4]

#### 35.240 VISION CLEARANCE.

The following vision clearance requirements shall apply to temporary signs that exceed 24 inches in height above road or highway elevation:

- (a) There shall be a vision clearance area at all intersecting and intercepting roads and highways. Such vision clearance area shall have a minimum of 30 feet legs along each road or highway intersection.
- (b) There shall be a vision clearance area on each side of any private driveway intersecting a road or highway. Such vision clearance area shall have a minimum of 10 feet legs along private driveways and along intersecting roads and highways.
- (c) Vision clearance shall not be required if the height of the lowest part of the sign exceeds 7 feet 6 inches above the elevation of the road or highway. [Ord. 88-26, Sec. 8; amended by Ord. 89-12, Sec. 9]

#### 35.245 SEVERABILITY.

Any finding by any court of competent jurisdiction that any portion of Sections 35.205 to 35.245 is unconstitutional or invalid shall not invalidate any other portion of Sections 35.205 to 35.245. [Ord. 88-26, Sec. 9]