

TITLE: An Ordinance regulating the erection, construction, repair, alteration, location or maintenance of signs and billboards within the city of Albany, Oregon; providing for the issuance of permits and fees therefore; providing for the revocation of permits; providing for inspection fees; repealing conflicting ordinances, providing for penalties for violation and declaring an emergency.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: SHORT TITLE

This Ordinance shall hereinafter be known and cited as the "Sign Regulations!"

Section 2: PURPOSES

The Common Council of the City of Albany, Oregon finds and declares that it is necessary to regulate the construction, erection, maintenance, electrification, illumination, type, size, number and location of signs to:

(1) Provide uniform interim sign standards for all commercial and industrial zones pending further study of signs needs for the downtown area, freeway area and neighborhood shopping areas and for advertising signs.

(2) Protect the health, safety, property and welfare of the public and protect the neat, clean, orderly and attractive appearance of the city.

(3) Improve the effectiveness of signs in identifying and advertising businesses.

Section 3: DEFINITIONS

As used in this Ordinance, unless the context otherwise indicates:

(A) "Building Official". The person assigned to administer and enforce this Ordinance or his deputy.

(B) "Business". All of the activities carried on by the same legal entity on the same premises including, but not limited to, a charitable, fraternal, benevolent, religious, education and social organizations. "Legal entity" means sole proprietorships, partnerships, corporations, non-profit corporations, associations or joint stock companies.

(C) "Canopy". A permanent roofed structure which may be free-standing or partially attached to a building for the purpose of providing shelter to patrons in automobiles, but shall not mean a completely enclosed structure.

(D) "Erect". Shall mean to build, construct, attach, hang, place, suspend or affix, and shall also include the painting of wall signs or roof signs.

- (E) "Facing or Surface". Shall mean the surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.
- (F) "Flashing". Electrical animation producing intermittent, internal or external sign illumination.
- (G) "Incombustible Material". Shall mean any material which will not ignite at or below a temperature of 1200° Fahrenheit during an exposure of five (5) minutes and will not continue to burn or glow at that temperature.
- (H) "Illuminated Sign". A sign illuminated by an interior or exterior light source, which exterior light source is primarily designed to illuminate the sign.
- (I) "Light". A lamp, bulb, tube, neon tube, or other light source for sign illumination or used as a sign, but not including "lights" used solely for illumination of a building or premises.
- (J) "Maintain". Allow to exist or continue.
- (K) "Marquee". A permanent roof structure attached to or supported by a building, but not including a "canopy".
- (L) "Mechanical Animation". Mechanical Animation of all or any portion of a sign including, but not limited to, rotation.
- (M) "Premises". A lot, parcel or tract of land occupied or to be occupied, by a building or unit or a group of buildings, and its accessory buildings and having at least one frontage on a street.
- (N) "Sign". An advertising sign, outdoor advertising sign, on premise sign, display, temporary sign, message, light, emblem, device, figure, mannequin, painting, drawing, placard, poster or other thing that is designed, used or intended for advertising purposes, or to inform or attract the attention of the public, and which includes, where applicable, the sign structure, display surfaces and all other component parts of the sign. Sign shall include, but is not limited to:
- (1) Advertising sign. Meaning a sign which advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities not located on the premises on which the sign is located.
  - (2) Combination Sign. A sign which is a combination of a roof sign and a projecting sign.
  - (3) Free-standing sign. Means an on premises sign supported by one or more upright poles or braces in or upon ground and wholly detached or only incidentally attached to any building or any structure.
  - (4) Internally illuminated sign shall mean a sign which is wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.

- (5) Message sign shall mean a sign providing information by means of sequential illumination of lights contained in the sign.
- (6) On premise sign shall mean a sign which advertises only the business or the goods, products or facilities located on the premises on which the sign is located and shall also mean and include a sign advertising the sale or lease of the property on which the sign is located.
- (7) Outdoor advertising signs shall mean an advertising sign supported by substantial permanent sign structure with a display surface or display surfaces primarily designed for the purpose of painting or posting an advertising message thereon at periodic intervals.
- (8) Principal signs shall mean the primary permanent on-premises sign designed to identify or advertise the business to motorists or pedestrians approaching the premises limited to free-standing, combination, roof, wall or projecting signs or signs located on a wall facade for signs, marquee face, or canopy face.
- (9) Projecting signs shall mean a sign other than a wall sign which projects beyond a street front property line or a building face with "projection" meaning the distance by which a sign extends beyond the building face or street front property line.
- (10) Roof sign shall mean a sign erected upon or painted upon the roof of a building, roof structure, marquee roof or canopy roof.
- (11) Secondary sign shall mean an incidental, permanent on premise, attached wall sign or sign on the face or end faces of a marquee or canopy or on a wall facade for signs.
- (12) Temporary sign shall mean any sign, banner, balloon, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, plywood, wood, wall board, plastic, sheet metal or other similar light materials, with or without frames, which is not permanently affixed to any sign structure, sign tower or building. "Temporary signs" includes, but is not limited to:
  - (a) "Temporary Merchandise Sign" which means temporary signs painted on or affixed to a rack or other type of contained advertising only the items of merchandise contained therein.
  - (b) "Temporary Promotional Display Signs" shall mean a group of temporary banners, streamers, pennants or flags, but not propellers, erected as a group under one permit advertising a grand opening, event or promotion.
  - (c) "Temporary Real Estate Signs" shall mean a temporary sign advertising only the sale, rent or lease of the building, structure or premises to which they are attached.
  - (d) "Temporary Real Estate Directional Signs" shall mean a temporary sign advertising an "Open House" and located off the premises advertised.

- (e) "Temporary Sign for Work Under Construction" shall mean a temporary sign on premises denoting only the architects, landscape architects, contractors, engineers, of the development itself.
- (13) Time or Temperature signs shall mean a message sign providing only the time or temperature information or a sign providing such information by means of mechanically activated dial, but not both.
- (14) Under Marquee sign shall mean a sign which is erected or maintained under and supported by a marquee.
- (15) Wall sign shall mean any sign painted on or attached to or erected against the wall or parapet of a building or structure or against the face or ends of a marquee or canopy or on a wall facade for signs with the exposed face of the sign in a plain parallel to the plain of said wall or face and projecting not more than 18 inches therefrom.
- (O) "Sign Tower" shall mean that portion of a building designed specifically for the placing of a sign flat against one or more faces thereof, other than a wall facade for signs.
- (P) "Structural Trim". Shall mean the molding, battens, cappings, nailing strips, latticing, and platform which are attached to the sign structure.
- (Q) "Wall Facade for Signs". Shall mean a sign or structure erected upon the face of the wall of a building in the same general plane as the wall of the building, with sign structures intended for the placement of principal or secondary signs.

#### Section 4: PERMITS REQUIRED.

Except as provided in this section and section 12 of this ordinance, it shall be unlawful for any person to erect, alter or relocate within the city of Albany any sign as defined in this ordinance, without first obtaining an erection permit from the Building Official and making payment of the fee required by Section 7 hereof. All illuminated signs shall, in addition, be subject to the provisions of the Electrical Code, and the permit fees required thereunder. Permits shall not be required for temporary signs other than temporary promotional display signs.

#### Section 5: APPLICATION FOR ERECTION PERMIT.

Application for sign permits shall be made upon blanks provided by the Building Official, and shall contain or have attached thereto the following information:

- A. Name, address and telephone number of the applicant.
- B. Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
- C. Position of the sign or other advertising structure in relation to nearby buildings or structures.

- D. Two sketches showing method of attachment to the building or in the ground.
- E. Name of person, firm, corporation or association erecting structure.

Section 6: PERMIT ISSUED IF APPLICATION IN ORDER.

It shall be the duty of the Building Official, upon the filing of an application for a sign permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign, and if it shall appear that the proposed sign is in compliance with all the requirements of this Ordinance and all other laws and Ordinances of the city of Albany, he shall then issue the sign permit. If the work authorized under a sign permit has not been completed within 6 months after date of issuance, the said permit shall become null and void.

Section 7: PERMIT FEES.

Every applicant, before being granted a permit hereunder, shall pay through the Building Official to the office of the City Recorder the following permit fee for each such sign structure regulated by this Ordinance:

- A. All signs requiring a permit other than temporary signs . . . . . \$5.00
- B. Temporary promotional display signs...all such signs in a group . . . . . \$2.50
- C. Wall facade for signs . . . . . \$5.00

Section 8: PERMIT REVOCABLE AT ANY TIME.

All rights and privileges acquired under the provisions of this Ordinance or any amendment thereto, are mere licenses revocable at any time by the City Council, upon violation of this sign ordinance, and all such permits shall contain this provision.

Section 9: UNSAFE AND UNLAWFUL SIGNS.

If the Building Official shall find that any sign regulated herein is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this Ordinance, he shall give written notice to the permittee thereof. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within 10 days after such notice, such sign or other advertising structure may be removed or altered to comply by the Building Official at the expense of the permittee or owner of the property upon which it is located. The Building Official shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Building Official may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

Section 10: NUMBER AMPERAGE AND VOLTAGE TO BE ON SIGN.

Every sign hereafter erected shall have painted in a conspicuous place thereon, in letters not less than one inch in height, or on a label approved by the Building Official, the amperage and the voltage of any electrical apparatus used in connection therewith.

Section 11: WIND PRESSURE AND DEAD LOAD REQUIREMENTS AND SIGN MAINTENANCE.

A. All signs shall be designed and constructed to withstand wind loads as set forth in Appendix 1 herein attached; and shall be constructed to receive dead loads as required in the Building Code or other ordinances of the City of Albany.

B. All signs and the sites on which they are located shall be maintained in a neat, clean and attractive condition.

Section 12: REMOVAL OF CERTAIN SIGNS.

Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within 10 days after written notification from the Building Official and upon failure to comply with such notice within the time specified in such order, the Building Official is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

Section 13: EXEMPTIONS.

The provisions and regulations of this Ordinance shall not apply to the following signs:

- A. Official traffic signs and signals.
- B. Directional signs erected by public authority.
- C. Warning signs erected on private property and outside vision clearance areas to warn the public of a danger on or prohibiting or limiting access to the premises.
- D. Permanent building plaques, corner stones, name plates and similar building identifications.
- E. House and building numbers, providing that the height of the numerals shall not exceed 6 inches.
- F. Historical markers erected or maintained by public authority or on private property outside vision clearance areas by a recognized historical society or organization identifying sites, buildings or structures of recognized historical society or organization identifying sites, buildings or structures of recognized historical value.
- G. Signs erected by a public officer performing official duty pursuant to law, administrative order or a court order.
- H. One sign, limited to 4 square feet, denoting the name or occupation or both of the occupant of the building.
- I. Signs located within a building.
- J. Political signs meeting the requirements of this sub-section and advertising only candidates seeking public office or promoting the passage or defeat of a measure on the ballot.

To be exempt, such political signs shall:

- (1) Be erected and maintained entirely on private property.
- (2) Be limited to an area of 8 square feet and a maximum dimension or height of 4 feet.
- (3) Be removed by the owner of the property or the placer of the signs within 15 after the election. No person shall erect such signs unless the advertised candidate or person responsible for the ballot measure has posted a cash deposit or bond in the amount of \$50.00 conditioned upon compliance with this paragraph. Any costs incurred by the city of Albany in removing the signs in violation of this paragraph shall be recovered by charging the deposit or the bond surety.
- (4) Not be erected or maintained on utility poles or upon trees, rocks or other natural features.
- (5) Be erected only with consent of the legal possessor of the premises.

K. Christmas Decorations.

Section 14: OBSTRUCTIONS TO DOORS, WINDOWS OR FIRE ESCAPES.

No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape.

Section 15: SIGNS NOT TO CONSTITUTE TRAFFIC HAZARD.

No sign shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP", "LOOK", "DANGER", or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

Section 16: GOOSE NECK REFLECTORS.

Goose neck reflectors and lights shall be permitted on free-standing signs, roof signs, combination signs and projecting signs, and wall signs, provided, however, the illumination shall be concentrated upon the area of the sign so as to prevent glare upon the street or adjacent property.

Section 17: SPOTLIGHTS AND FLOODLIGHTS PROHIBITED.

It shall be unlawful for any person to maintain any sign which extends over public property which is wholly or partially illuminated by floodlights or spotlights.

Section 18: OBSCENE MATTER PROHIBITED.

It shall be unlawful for any person to display upon any sign any obscene, indecent or immoral matter.

Section 19: SIGNS FOR INDIVIDUAL BUSINESSES.

Any individual business may have the following signs:

A. One principal sign per frontage.

(1) Location. May extend beyond the front property line to within two feet of curb on projecting, free-standing or combination sign. In the event the street shall be widened or changed in any manner so that the change would result in the projection of a sign to a distance within two feet of the curb, then the owner of said sign shall cause the sign to be removed and replaced at the expense of the owner so that it does not extend beyond the property line to within two feet of the curb.

(2) Size.

Free-Standing. Height is limited to 40 feet, area to 250 square feet.

Projecting or Combination. Area limited to 250 square feet.

Roof. Area is limited to 250 square feet.

Wall. Area limited to 10% of gross face area.

(3) Joint Use. Two or more businesses may combine their principal signs into one free-standing sign for each common frontage of such businesses or for each frontage for a shopping center in which such businesses are located. Such sign may be 45' in height and 250 square feet in area.

B. One Subordinate Principal Sign per frontage where the frontage on which the sign is located exceeds 200 feet in length.

(1) Location. May extend beyond front property line to within 2' of curb.

(2) Type. Free-standing only.

(3) Size. Area limited to 50 square feet and height to 20 feet.

C. Secondary Signs.

(1) Location and Type. On front or side wall and designed primarily to be read from adjoining street, wall sign only. If a joint-use free-standing sign is used under A(3), above, the participating businesses may use wall or roof secondary signs.

(2) Size. Area is limited to 10% of the gross face area of the building facing adjoining street up to 1,000 square feet of gross face area plus 5% of the gross face area in excess of 1,000 square feet.

(3) Interior Business. Where an individual business does not have a frontage to qualify for a principal or secondary sign, the principal occupant of the building in which such interior business is located may execute a written release of a portion of his secondary sign area for use by such interior business.



D. Under Marquee Sign.

- (1) Message. Business name or identification of a part of a business which may be reached through the adjacent entrance.
- (2) Number. One per entrance into the building housing the business.
- (3) Size. Height limited to 14 inches and length to 60 inches.
- (4) Clearance. Minimum clearance above sidewalk or grade below sign limited to 7 feet 6 inches.

E. Temporary signs located entirely on private property:

- (1) Temporary Merchandise Signs. May be located only adjacent to a permanent building.
- (2) Temporary Real Estate Signs. Limited to one per frontage area of 4 square feet and height of 4 feet.
- (3) Temporary Real Estate Directional Signs. Limited to one per premises on which sign is displayed to area of 4 square feet and height of 4 feet.
- (4) Temporary Work Under Construction Sign. Limited to one per frontage, maximum height of 8 feet maximum length of 8 feet and maximum area of 32 square feet.
- (5) Temporary Promotional Display Signs. Display limited to once a calendar year for a period not exceeding 15 days.

F. Directional Signs.

- (1) One directional sign per side of a motor vehicle entrance or exit, identifying only such entrance or exit for a business and limited to 42 inches in height and 8 square feet in area.
- (2) Signs designed to be read primarily by persons on a premises and used only to identify and locate an office, entrance, exit, telephone or similar place or service or route, limited to 4 square feet in area.

Section 20: MEASUREMENTS FOR SIGN CONTROL.

The following shall be used in measuring signs to determine compliance with this Ordinance.

A. Area or Sign Area.

- (1) Area shall be measured within lines drawn between the outermost points of a sign, but excluding essential sign structure, foundations or supports. The area of all signs in existence at the time of enactment of this Ordinance, whether conforming or non-conforming, shall be counted in establishing the permitted sign area. Where a sign is of a three-dimensional, round or irregular solid shape, the largest cross-section shall be used in a flat projection for the purpose of determining sign area.

- (2) Area shall be expressed in square feet, abbreviated "Sq. ft."
- B. Height. Height is measured from the average level of the grade below the sign to the topmost point of the sign.
- C. Clearance. Clearance is measured from the average grade below the sign to the lower most point of the sign.
- D. Gross Face Area. The gross face area expressed in sq. ft. shall be computed by drawing a line around the outermost points of the building face or other surface to which the sign is attached, including any wall facade for signs extending beyond the building face and measuring the area contained within such lines. Where secondary signs are permitted on a frontage other than a street or parking lot frontage, GFA shall be measured on street frontage only.
- E. Multiple business Occupancies. Where more than one business is housed in the same building, only the gross face area of the building frontage, the lineal lot frontage or the lineal building frontage occupied by the business shall be included in determining the size of signs for such business.
- F. Size. Size includes the height, length, width and area of a sign.
- G. Spacing and Density.
- (1) For the purpose of applying spacing requirements or density limits to signs including, but not limited to, advertising signs, distance shall be measured parallel to the center line of the adjacent street or highway.
- (2) The sign or sign location under consideration shall be included as one sign.
- H. Frontage. Includes frontages without access to adjacent streets or highways.

Section 21: PROJECTING SIGNS.

A projecting sign is permitted if it is:

- A. The only principal sign on the same frontage for the same business.
- B. At least 50% of the total sign area, including all faces combined on a sign with two or more faces, which is located beyond the property line over public property shall be used to identify the business rather than advertise products or services.
- C. Projection is limited to within two feet inside the curb line.
- D. Where a sign projects from a building face, the sign does not extend more than 8 feet above the higher of the roof line at the wall or the parapet wall.
- E. Except as provided in this subsection, no projecting sign shall be supported by a frame, commonly known as an "A Frame," or other visible frame located on a building roof. Where the building official finds that such frame is the only feasible method of safely supporting a

projecting sign of reasonable size, he may permit the use of such frame constructed with a minimum number of visible supporting members.

- F. The inner edge of a sign projecting from the face of a building shall not be more than 12 inches from the building face or architectural projections thereon adjacent to the location of such sign.
- G. Projecting signs shall have a minimum clearance of 10 feet over sidewalks or grade and 15 feet over driveways.

Section 22: FREE-STANDING SIGNS.

- A. A free-standing sign shall be directly supported by poles or foundation supports in or upon the ground. No external cross-braces, guy-wires, "t-frames," a-frames, "trusses" or similar bracing systems shall be used in constructing free-standing signs. Nothing in this sub-section prohibits the use of standardized outdoor advertising structures and stringers customarily used for the support of sections of the display surface or surfaces thereof.
- B. Free-standing signs shall have a minimum clearance of 15 feet over a driveway or parking area.

Section 23: WALL SIGNS.

- A. Wall signs may extend the lesser of 1/3 of the height of the sign or 3 feet above the higher of the eave line, roof line at the wall, parapet wall or street face of a marquee.
- B. Wall signs attached to the end faces of a marquee may have a height of the greater of 3 feet or the thickness of the marquee.

Section 24: ROOF SIGNS.

- A. To provide fire fighting access.
  - (1) Except as provided in this subsection, roof sign length shall not exceed 25% of the length of the nearest parallel building wall. Where the parallel building wall is less than 50 feet in length, the Fire Marshal may permit lengths up to 50% of wall length upon a finding of adequate fire fighting access.
  - (2) Roof signs shall set back 3 feet from a parallel parapet wall and inside an end wall.
  - (3) Minimum clearance of 3 feet above the level of a parallel parapet wall or 1½ feet above a peak roof shall be maintained and at least 50% of the clearance area shall remain open. (Optional)
- B. Except for a free-standing sign which pierces the roof of a canopy, roof signs shall not exceed a height of 4 feet above the roof of a canopy or marquee.
- C. Roof signs shall not exceed a height of 10 feet above a flat roof building of 20 feet or less in height or 15 feet above such building of more than 20 feet in height. For purposes of this subsection, "flat roof building" includes a round, sloping or similar roof where

the maximum height of the roof above a line drawn between the two walls at the roof line does not exceed  $1/6$  the distance between the two walls.

- D. Except as provided in subsection D above, the roof sign height above a gable, or pitched roof is limited to 50% of the vertical height of the roof on roofs less than 8 feet in height and 25% for higher roofs. Roof height is measured vertically, not along the plane of the roof, from the lower edge to the peak. The lower edge of a roof sign must be within 2 feet of and parallel to the eave or to the plane of the nearest wall below the sign.

Section 25: COMBINATION SIGNS.

Combination signs shall conform to applicable provisions for projecting signs and for roof signs.

Section 26: WALL FACADE FOR SIGNS.

- A. Except as provided in subsection (b) of this section, wall facades for signs may extend the full length of the wall to which they are attached, but shall not exceed a height above the roof line at the wall or parapet greater than  $1/3$  of the height of the building where the building is less than 15 feet in height or 6 feet where the building height exceeds 15 feet.
- B. If a wall facade for signs extends the full length of the wall, maximum height of the wall facade shall not exceed 4 feet measured from the roof line directly behind the wall to the top of the wall facade. If it is less than full length, there shall be 5 feet clearance at the end of a wall and such facade shall conform to Chapter 38 of the Uniform Building Code.
- C. The supporting structure for any wall facade for sign shall be completely enclosed so as not to be visible from any public street, alley or adjacent property.
- D. A separate sign permit shall be obtained for a wall facade for signs.

Section 27: SIGN ILLUMINATION.

- A. Flashing signs are not permitted, except for message signs which shall be limited to time and temperature only.
- B. Rotary beacon lights, zip lights and similar devices shall not be used as signs or be attached thereto.
- C. LIMITATIONS ON SIGN ILLUMINATION. No sign shall be erected or maintained which, by use of lights or illuminations creates an unduly distracting and hazardous condition to a motorist, pedestrian or the general public. In addition:
  - (1) No exposed reflective type bulb, par spot nor incandescent lamp, which incandescent lamp exceeds 25 watts, shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.

- (2) When neon tubing is employed on the exterior of a sign, the capacity of such tubing shall not exceed 300 milliamperes rating for white tubing nor 100 milliamperes rating for any colored tubing.
- (3) When fluorescent tubes are used for interior illumination of a sign, such illumination shall not exceed illumination equivalent to 800 milliamperes rating tubing behind a plexiglass face spaced at least 9 inches, center to center.

**Section 28: ACTIVATION**

Mechanical animation is permitted, however, revolving signs or portions thereof shall be limited to five revolutions per minute.

**Section 29: TEMPORARY PROMOTIONAL SIGNS FOR PUBLIC AFFAIRS**

Temporary promotional signs for public affairs may be erected over public streets when deemed to be in the public interest. A permit for the said signs may be issued by the building official without fee. The Sign Board of Appeals shall establish standards for the granting of a temporary permit of this type and such standards shall have the force and effect of law as though set forth in the body of this ordinance.

The old section numbers thereafter shall be renumbered.

**Section 30: NONCONFORMING SIGNS.**

A "nonconforming sign" is one which does not conform to the provisions of this Ordinance.

A. A sign becomes nonconforming:

- (1) On the effective date of this Ordinance or of any previous Ordinance which made the sign nonconforming, whichever is earlier; or
- (2) On the effective date of annexation of a lawfully erected and maintained sign into the city limits.

B. Lawfully erected nonconforming signs may be maintained the lesser of the following periods:

- (1) Indefinitely for all signs except as provided in (2) through (6) of this section.
- (2) Two years for temporary signs constructed of metal with metal poles placed in sunken receptacles in the ground.
- (3) Thirty (30) days for other temporary signs.
- (4) Seven years for flashing signs.
- (5) Seven years for mechanical animation signs.
- (6) Thirty days for rotary beacons, zip lights, bulbs over 25 watts and par spot lights.

C. Any nonconforming sign may be:

- (1) Structurally altered and portions thereof replaced, provided the height or area of the sign is not increased.
- (2) Repaired and maintained and may have the advertising copy including, but not limited to, change of business or owner's name.
- (3) Upon obtaining a sign repair permit, removed from its structure for repair and maintenance and be remounted.
- (4) Reconstructed if they are moved for construction or repair of public utilities and such reconstruction is completed within one (1) year.
- (5) May be reconstructed or replaced if they are damaged by an Act of God or an accident within one year of damage.

Section 31: PROCEDURE FOR OBTAINING COMPLIANCE OR REMOVAL OF NONCONFORMING SIGNS.

The building official may order that nonconforming signs be brought into compliance with this Ordinance and, if compliance is not obtained, may remove or order others to remove nonconforming signs.

A. Notice.

- (1) Except for unsafe signs or signs erected without a permit, the building official shall give written notice to the owner of a nonconforming sign. If the sign owner cannot be found or refuses to comply with the notice, notice shall be posted upon the building structure or premises on which the sign is located. Notices shall be sent by certified mail or be delivered personally to the noticee at his last known address or address of record. The notice shall specify the violations of this Ordinance and shall specify time for compliance. Except for unsafe signs or signs erected without a permit, compliance shall be required within 30 days from mailing or personal delivery of the notice, unless the time is extended by the building official for good cause.
- (2) Where the building official finds that any nonconforming sign is an unsafe sign which, by reason of its condition, presents an immediate and serious danger to the public, he shall make a reasonable attempt to notify the owner of the sign or the owner of the building, structure or premises on which the sign is located. Type of notice and time spent attempting notice shall be determined by the building official based on the nature of the hazard and the immediacy of the threatened harm to persons or property. Upon failure of notice or refusal of responsible persons to comply with this Ordinance, the building official may remove or authorize others to remove such sign or to make minimum repairs that are necessary to remove the hazard.
- (3) Where a sign is erected without permit, the building official may remove, authorize others to remove, or order the removal of such sign without giving prior notice.

- B. Recovery of Costs. Where the building official repairs or removes or authorizes others to repair or remove a sign pursuant to subsection (a) of this section, the city may recover all costs incurred from the owner of the sign or the owner of the building, structure or premises on which the sign is located including, but not limited to: Costs of notification; attempts to secure compliance; painting out a sign; sign removal, storage or transportation; or, sign repair. Such cost may be a lien against the premises on which the sign is located and may be collected or foreclosed in the same manner as liens are entered and enforced in the lien docket of the city.
- C. Building Official to Store Signs Removed. The building official shall store any sign removed by him for a period of 30 days and for any additional period pending determination of any appeal on such sign to the City Council. To reclaim such sign, the person entitled to possession shall pay all costs as provided in subsection (b) above and shall agree to comply with applicable provisions of this Ordinance. If a sign is not reclaimed within the time specified, the building official may destroy the sign or dispose of it in any manner he deems appropriate.

### Section 32: APPEALS

- (1) The Planning and Zoning Commission shall act as a Sign Board of Appeals.
- (2) Any person who has been refused a permit for a sign or been ordered by the Building Official to incur any expense with reference to this Ordinance may appeal to the Sign Board of Appeals:
- (a) The interpretation of the Ordinance with respect to a particular sign or location.
  - (b) The need for a variance from the strict application of the Ordinance to a particular sign or sign location to remove practical difficulties or unnecessary hardships. Appeals granted under this subsection shall be accompanied by a finding of the Board that the variance does not affect the safety of the sign or its location, that the variance is the minimum necessary to remove the practical difficulty or hardship and that another type, size, location, method of sign construction or other alternate is not available that would comply with this Ordinance and also remove the practical difficulties or unnecessary hardship.
- (3) Any interested person or the City may appeal a decision of the Sign Board of Appeals to the Common Council which may call a public hearing thereon and which may affirm, deny or modify the action taken by the Sign Board of Appeals.
- (4) Except where there is a specific conflict, procedure for the Sign Board of Appeals shall be the same as <sup>for</sup> the Planning Commission. Three members shall constitute a quorum for the transaction of business.

(5) Unless there is an immediate and serious danger to the public or to property which requires immediate action, the Building Official shall take no action with respect to an existing sign during any appeal until the final determination thereof.

Section 33: REVOCATION OF PERMITS.

The Building Official is hereby authorized and empowered to revoke any permit issued by him upon failure of the holder thereof to comply with any provision of this Ordinance.

Section 34: PENALTIES.

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding \$500.00 or by imprisonment in the city jail not exceeding 30 days, or by both such fine and imprisonment. Every day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

Section 35: SEPARABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 36: ORDINANCES REPEALED.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

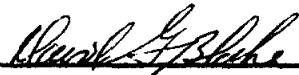
Section 37: EMERGENCY CLAUSE.

WHEREAS, the peace, health, and safety of the people of city of Albany require that this Ordinance become immediately effective, therefore, an emergency is hereby declared to exist and this Ordinance shall become effective immediately upon its final passage by the Council and approval by the Mayor.

Passed by the Council: MAY 12, 1971

Approved by the Mayor: MAY 12, 1971

Effective Date: MAY 12, 1971



\_\_\_\_\_  
PRESIDENT OF THE CITY COUNCIL

ATTEST:

  
\_\_\_\_\_  
City Recorder



APPENDIX 1 -

TYPE OF SIGN	HEIGHT OF TOP OF SIGN ABOVE GROUND LEVEL	MINIMUM WIND LOAD RESISTANCE IN POUNDS PER SQUARE FEET
Free-standing and other ground signs	Less than 50 feet	20
	Between 50 & 100 feet	25
	Over 100 feet	40
Wall Signs	All	20
Projecting Signs	Less than 50 feet	20
	More than 50 feet	25
Roof Signs	Less than 150 feet above ground level	30
	More than 150 feet above ground level	40

Combination signs and sign towers shall be built to withstand wind loads corresponding to the required standard for each component part of the sign. Where a portion of a wall sign or a wall facade for signs projects above the roof line at the wall or the top of the parapet wall, that portion shall conform to the requirements for a roof sign.