

CITY OF DEPOE BAY
ORDINANCE NO. 134

AN ORDINANCE AMENDING ORDINANCE NO. 58 (SIGN ORDINANCE); PROSCRIBING THE MANNER OF PLACEMENT OF FREE STANDING SIGNS; DESIGNATING A VIOLATION TO BE AN INFRACTION AND ENFORCEABLE PURSUANT TO THE CITY'S ENFORCEMENT ORDINANCE; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Depoe Bay has previously adopted Ordinance No. 58, to provide for the control and placement of signs within the City of Depoe Bay; and

WHEREAS, the City Council is of the opinion that the provision currently contained in Ordinance No. 58 relating to free standing signs, should be revised to restrict free standing signs from being placed upon sidewalks, pedestrian ways, and from the public right-of-way, to provide for the orderly and unobstructed flow of pedestrian traffic, and that placement of such signs not be located in such a manner as to interfere or obstruct the clear vision of operators of motor vehicles; and

WHEREAS, the City Council is of the opinion that violation of Ordinance No. 58 (Sign Ordinance) should be an infraction, enforceable pursuant to the provisions of the City's Enforcement Ordinance, in addition to other means of enforcement;

NOW, THEREFORE, the City of Depoe Bay ordains as follows:

Section 1. Ordinance No. 58, Subsection 9(A) be and is hereby amended in its entirety as follows:

"A. Free Standing Signs. Those signs supported by uprights or braces or otherwise placed upon the ground and not attached to any buildings. Free standing signs shall be permitted if in compliance with the following requirements:

- (1) The sign shall be placed on the private property of the business or event being advertised.
- (2) The sign shall not be located on the sidewalk, pedestrian way, public right-of-way, or in such other manner as to interfere with the orderly flow of pedestrian traffic along the street, sidewalk, pedestrian way, or public right-of-way.
- (3) The sign shall not be located upon the private property in such a manner as to interfere with the clear vision area of motor vehicles, or to cause, in any other manner, a hazard to motor vehicle traffic.
- (4) Although the sign shall not be permanently affixed to the ground, it shall be weighted or anchored in such a manner so as not to move about or collapse in the event of wind, or to otherwise create a hazard to motor vehicles or pedestrians.

(5) The sign should relate to the conduct of the business or the event being conducted upon the parcel of land upon which it is situated.

Section 2. Ordinance No. 58 is hereby amended to add an additional Section 10, as follows:

"10. Violation of Ordinance. It shall be unlawful for any person to cause, suffer, or permit a violation of, or to otherwise act except in accordance with the terms, provisions and requirements of this Ordinance. Any person violating any provision of this Ordinance shall be guilty of an infraction, and upon conviction of any such infraction, shall be punishable by a fine of not more than \$500.00 for each such infraction. Each and every violation hereof, and each and every day during which any violation hereof shall be caused or continued shall constitute a separate infraction. This Ordinance shall be enforced in the manner provided by the Depoe Bay Enforcement Ordinance, or by such other appropriate judicial proceedings, or both.

A conviction under this Ordinance does not thereby authorize or permit any act violating this Ordinance to continue, but rather shall be a conviction only for the day or days for which the violation was proven to have occurred. Further violations of this Ordinance may be enforced successively in the manner provided by the Depoe Bay Enforcement Ordinance or by other appropriate judicial proceedings."

Section 3. This Ordinance being necessary for the health, safety and welfare of the citizens of Depoe Bay, this Ordinance shall take effect immediately upon adoption by the City Council and approval by the Mayor.

6th Passed by the City Council of the City of Depoe Bay on the
day of July, 1987 and approved by the Mayor on the
10th day of July, 1987.

Donald W. Wierowski
Mayor

ATTEST:

Kate W. Wentworth
City Recorder