

#46
FILED

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF TILLAMOOK COUNTY, OREGON

JOSEPHINE VELTRI
COUNTY CLERK

DEPUTY

In the Matter of Correcting Errors) O R D E R
in Business Guide Sign Ordinance)
by Order Nunc Pro Tunc) #93 - 102

This matter coming on to be heard this 16th day of June, 1993, at a regular meeting of the Board of Commissioners, at which time it appears that the Board adopted Ordinance #46 regulating procedures and requirements relating to the placing of business guide signs within the right-of-way for public roads in Tillamook County; and

WHEREAS, the copy of Ordinance #46, which was signed and filed with the County Clerk, contained numerous typographical and computer errors; and

WHEREAS, the Board of Commissioners have determined that the copy of Ordinance #46, as attached hereto as Exhibit A and by this reference incorporated herein, accurately reflects their intent regarding the approval and implementation of said ordinance on March 17, 1993. NOW THEREFORE,

IT IS HEREBY ORDERED, NUNC PRO TUNC, that the attached copy of Ordinance #46 be filed with the Tillamook County Clerk; and

IT IS FURTHER ORDERED, that the attached Ordinance #46 replace the previously filed Ordinance #46.

DATED this 16th day of June, 1993.

ATTEST: Josephine Veltri
County Clerk

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

BY: Mary Wujcik
Deputy: MARY WUJCIK

Kenneth M. Burdick
Kenneth M. Burdick, Chairperson

APPROVED AS TO FORM:

Gina Mulford
Gina Mulford, Vice Chairperson

William K. Sargent
William K. Sargent,
County Counsel

Jerry A. Dove
Jerry A. Dove, Commissioner

Exhibit A

BUSINESS GUIDE SIGN
ORDINANCE

TILLAMOOK COUNTY
OREGON

ADOPTED:

MARCH 17, 1993

BOARD OF COUNTY COMMISSIONERS

TILLAMOOK COUNTY BUSINESS GUIDE SIGN ORDINANCE

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The Board of Commissioners for Tillamook County ordains as follows:

SECTION I. Authority

The following procedures and requirements relating to the placing of Business Guide Signs within the right-of-way for public roads in Tillamook County is authorized by ORS 368.942 to 368.950.

SECTION II. Purpose and Applicability

The purpose of this ordinance is to control the use of advertising signs on public roads within the Tillamook County while still providing the necessary directional information to allow drivers to locate visitor-oriented businesses, historical features and cultural features. The ordinance establishes standards for Business Guide Signs erected within county rights-of-way.

This ordinance is applicable only to public roads outside of incorporated city limits. Placement of signs on county roads within incorporated city limits will be authorized only by regulations jointly agreed to by the Tillamook County Board of Commissioners and the appropriate City Council.

SECTION III. Definitions

As used in these rules, the following definitions shall apply unless the context indicates otherwise:

"Advanced Guide Sign" means a Business Guide Sign located in advance of a road intersection.

"Applicant" means a person applying for a permit for a Business Guide Sign. The Applicant shall be either the "Owner" or the "Responsible Operator" as further defined in this ordinance.

"Business Guide Sign" means a sign with the name of a visitor-oriented business, service or activity, historical feature or cultural feature together with directional information erected in advance of or at intersections on the county road system.

"Directional Information" means the necessary information to direct the motoring public.

"Engineer" means the Tillamook County Director of Public Works or designee thereof.

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"Intersection Guide Sign" means a Business Guide Sign located where two County Roads meet.

"Legend" means the portion of the sign with the identification of the business or activity on it.

"Owner" means a holder of fee title, or lessee.

"Visitor-Oriented Business" means any legal gas, food, lodging, or camping facility, or cultural, historical, recreational, educational or entertaining activity, or a unique or unusual commercial or nonprofit activity, a substantial portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

"Responsible operator" means a person or entity other than an owner who operates a visitor-oriented business and who has authority to enter into an agreement relative to matters covered by this ordinance.

"Road Department" means the Tillamook County Road Department.

SECTION IV. Criteria for Eligibility

1. A visitor-oriented business must be located within 9 miles of the intersection where the visitor-oriented directional signs are proposed to be installed. The distance will be measured as vehicle distance from the center point of the intersection to the nearest point of the intersection of the driveway of the business and a public highway.
2. Business Guide Signs shall not be used for any business if it is easily visible and identifiable from the traveled way the last 400 feet from the intersection or road approach to the business.
3. Except for undeveloped cultural or historic features, a visitor-oriented business shall have:
 - A. Continuous operation at least 6 hours per day, 5 days a week, during its normal business season.
 - B. Licensing where required.
 - C. Adequate parking accommodations.

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4. Undeveloped cultural or historical features will be allowed a Business Guide Sign only if all of the following criteria are met:
 - A. The Engineer determines it is a cultural or historic feature.
 - B. Adequate parking accommodations are available.
 - C. An informational device to provide public knowledge of the feature is at the site.
5. 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.
6. Any grant of a new or renewed application shall entitle the Applicant to the continuance of its Business Guide Sign for as long as requirements of this ordinance are met.
7. Notwithstanding the fact that a visitor-oriented business meets all of the other eligibility requirements of this ordinance, an application may be denied if it is determined after investigation by the Engineer that adequate direction to the business cannot be given by a reasonable number of allowable Business Guide Signs.

SECTION V. Sign Construction and Composition

1. The Business Guide Sign, consisting of the sign panel with the legends and directional information, shall be furnished to the county by the Applicant(s).
2. Each legend:
 - A. Shall have a content limited to the identification of the business and shall not include promotional advertising, as determined by the Engineer.
 - B. Shall have no messages, symbols and trademarks which resemble any official traffic control device.
3. The directional information for each legend:
 - A. Shall be constructed of white reflectorized material.
 - B. Intersection Guide Signs shall have a direction arrow and the distance to the facility to the nearest one-quarter mile.
 - C. Advanced Guide Signs shall have directional word information "AHEAD" or "NEXT LEFT" or "NEXT RIGHT" as may be required instead of the direction arrow.

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4. Each sign panel:
 - A. Shall be no more than 24" high and 48" wide.
 - B. Shall have legends and directional information mounted on a blue reflectorized panel with a white reflectorized border.
5. No more than three panels shall be installed at any sign post location.
6. Design of the sign shall be approved by the Engineer before construction.
7. The sign shall be constructed by a manufacturer approved by the Road Department to make the Business Guide Signs. The Engineer may reject any sign constructed with improper materials, design or workmanship.
8. The Road Department will furnish the posts and install all signs in the road right-of-way.

SECTION VI. Sign Location

1. Business Guide Signs are only for use in areas outside the incorporated city limits.
2. Business Guide Signs may be installed within Urban Growth Boundaries only with the written approval of the City involved.
3. Business Guide Signs should be located so as to take advantage of natural terrain, to have the least impact on the scenic environment, or with the view of residences and business on the adjacent property.
4. Business Guide Signs shall not be installed which conflict with traffic control devices, or create any unsafe condition.
5. Advanced Guide Signs are to be located at least 300, but not more than 600, feet in advance of the intersection, wherever possible.
6. The use of both an Advanced Guide Sign and an Intersection Guide Sign for the same business at the same intersection is not allowed. The use of an Intersection Guide Sign or an Advanced Guide Sign is at the discretion of the Engineer.
7. There shall be no more than four sign post locations per intersection direction (including both Intersection and Advanced Guide Signs).
8. The Engineer shall determine the location of all Business Guide Signs. This determination shall be based on a field investigation, the criteria of this ordinance and traffic engineering principles.

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SECTION VII. Application, Fees and Maintenance

1. Initial application and installation:
 - A. The Applicant must file an application for installation of its Business Guide Sign on a form specified by Tillamook County. The application will include a copy of the proposed legend and sign design.
 - B. The first year annual fee must be submitted with the application.
 - C. The Engineer will determine the location of the Business Guide Sign and notify the Applicant of the location.
 - a) The Engineer's determination of the sign location is final and not subject to appeal.
 - b) If the Engineer determines that no acceptable location exists for the Business Guide Sign, the entire annual fee will be refunded.
 - c) If the Applicant does not approve of the sign location, the Applicant may withdraw the application, in which case 50% of the annual fee will be refunded.
 - D. The Applicant shall have the sign constructed and delivered to the Road Department within 90 days of notification of the sign location. Failure to provide the sign within 90 days will be considered a withdrawal of the application.
 - E. The Road Department shall install the sign.
2. Fees and charges:
 - A. The annual fee for each Business Guide Sign shall be \$75 per business, per sign.
 - B. The anniversary date for the annual permit shall be January 1 of each year. Signs initially installed in the last three months of the previous year shall not be charged an annual fee for the current year.
 - C. The fee shall be waived if the historical or cultural feature is publicly owned and operated or has been awarded 501(c)(3) designation by the United States Internal Revenue Service.
 - D. An additional fee of \$25 will be charged for temporary removal and reinstallation of signs due to seasonal nature of business or activity or for failure to submit a renewal application on time.

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3. Sign Maintenance:

- A. All field maintenance of the Business Guide Signs will be done only by Road Department personnel.
- B. In the case of missing sign:
 - a) The Engineer will notify the Applicant(s) the sign is missing.
 - b) When the Applicant(s) supply the Road Department with a new sign, the Road Department will install the new sign at no additional expense to the Applicant.
 - c) If the Applicant(s) do not supply a new sign, there will be no refund of the annual fee.
- C. In the case of a damaged sign:
 - a) The Road Department will remove the sign and store it in the nearest Road Department Shop.
 - b) The Engineer will notify the Applicant(s) the sign is damaged and where it is located.
 - c) When the Applicant(s) supply the Road Department with a new sign, the Road Department will install the new sign at no additional expense to the Applicant.
 - d) If the Applicant(s) do not supply a new sign, there will be no refund of the annual fee.
- D. In the case of a sign which has deteriorated due to normal weathering:
 - a) The Engineer shall make a determination that the sign needs upgrading and notify the Applicant(s).
 - b) The Applicant(s) shall provide the Road Department with a new sign before the next anniversary date, or within 90 days, whichever is later.
 - c) The Road Department will install the new sign at no additional expense to the Applicant(s).
 - d) If the Applicant(s) fail to provide a sign the permit will be revoked and the sign removed.

SECTION VIII. Sign Permit Termination

- 1. The sign permit may be revoked and the sign removed for any of the following reasons:
 - A. If the visitor-oriented business fails on a sufficient number of occasions or over a sufficient period of time to provide all of the services, so as to justify a finding by the Engineer that the business is not in substantial compliance with this ordinance.
 - B. If the visitor-oriented business fails during its normal business season to open for business for more than 7 consecutive days or for more than 10 cumulatively, during any one month period, unless the Engineer finds that closure for such period was beyond the control of the owner or responsible operator, or that the closure was justified by extenuating circumstances.

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- C. Failure to notify the Engineer of seasonal closures, along with the temporary removal fee.
 - D. Failure to pay renewal fees.
 - E. Failure of the Applicant to provide the Road Department with a new sign when notified of the need by the Engineer.
 - F. If Tillamook County Road Department elects to discontinue the program, in which case prorated sign fees paid within the current year will be refunded.
2. If due to fire, accident or similar cause, a visitor-oriented business becomes inoperable for an extended period of time, exceeding 7 days but not more than 90 days, its Business Guide Sign shall be temporarily removed, but the business shall not lose its priority, nor be required to reapply prior to the normal time for a renewal application. Further, extension may be granted on good cause shown. However, failure of the owner or responsible operator to proceed with necessary repairs as rapidly as possible shall cause loss of the right to continued placement of the Business Guide Sign and require a new application.

SECTION IX. ILLEGAL SIGNS

- 1. No business or advertising signs shall be allowed on public road right-of-ways, outside of incorporated city limits, except as permitted by this ordinance.
- 2. Signs in existence on February 1, 1993 are not in violation of this ordinance until February 1, 1995.
- 3. The replacement of existing signs in public road right-of-ways after the adoption of this ordinance is a violation of this ordinance.
- 4. 30 days after the installation of a new Business Guide Sign, all other signs by that business within any public road right-of-way become a violation of the ordinance.

SECTION X. Savings Clause

If any section or part thereof of this ordinance shall be held illegal, unconstitutional, or void, this shall not be construed to render void any other provision or requirement of this ordinance.

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SECTION XI. Enforcement

This ordinance may be enforced in any manner authorized by state or local law, including ORS Chapters 368 and 374, and Tillamook County Ordinance No. 35, the Tillamook County Citation Ordinance.

SECTION XII. Adoption

Since many of the advertising and business signs now in existence on public roads within Tillamook County have existed for over a decade, it does not seem necessary to declare that their removal requires the immediate adoption of this Ordinance for the preservation of the public peace, health and safety. Therefore an emergency is not declared to exist and this Ordinance shall take effect 90 days after its adoption.

DATE of First Hearing: March 3, 1993

DATE of Second Hearing: March 17, 1993

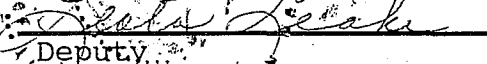
Dated this 16 day of June, 1993.

APPROVED AS TO FORM:



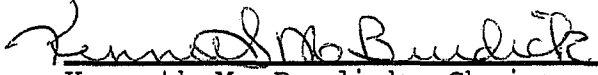
William K. Sargent
County Counsel

ATTEST: Josephine Veltri,
County Clerk

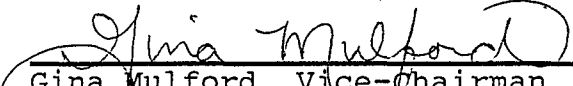
By: 

Deputy

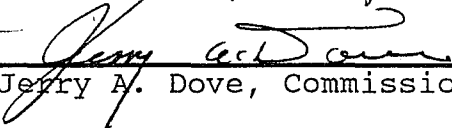
BOARD OF COUNTY COMMISSIONERS
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