

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 10.05, Right of Way Signs, of the Deschutes County Code. *
*
* ORDINANCE NO. 2023-020

WHEREAS, the Deschutes County Code (DCC) contains rules and regulations duly enacted through ordinance by Deschutes County and the Deschutes County Board of Commissioners; and

WHEREAS, from time-to-time the need arises to make amendments, including new enactments to the DCC; and

WHEREAS, staff from the Road Department have identified a need to amend DCC 10.05 to further identify the types of signs that may be authorized for placement within county road right-of-ways; and

WHEREAS, the Board of County Commissioners of Deschutes County considered this matter at a duly noticed public hearing August 30, 2023, and determined that DCC 10.05 should be amended; now therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. AMENDMENT. DCC 10.05 is amended to read as described in Exhibit “A,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 2. ADOPTION. This Ordinance takes effect 90 days after its adoption.

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Dated this _____ of _____, 2023

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DeBONE, Chair

PATTI ADAIR, Vice Chair

ATTEST:

Recording Secretary

PHIL CHANG, Commissioner

Date of 1st Reading: 30th day of August, 2023.

Date of 2nd Reading: 13th day of September, 2023.

<u>Commissioner</u>	Record of Adoption Vote			
	<u>Yes</u>	<u>No</u>	<u>Abstained</u>	<u>Excused</u>
Patti Adair				
Phil Chang				
Anthony DeBone				

Effective date: 13th day of December, 2023.

EXHIBIT A

(To Ordinance No. 2023-020)

CHAPTER 10.05 RIGHT OF WAY SIGNS

10.05.010 Introduction

DCC Chapter 10.05 is enacted to establish standards and procedures for signs to be installed and maintained within public rights of way which fall under the jurisdiction of the Board of County Commissioners, and which are necessary to meet the needs of the motorist in locating public recreational facilities and services open to the general public. DCC Chapter 10.05 shall be known as the Deschutes County Road Right of Way Sign Ordinance.

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991

Amended by Ord. 95-034 §1 on 5/17/1995

Amended by Ord. 2020-005 §1 on 1/1/2021

10.05.020 Definitions

The following definitions apply as set forth in DCC 10.05.020.

"Administrator" means the Road Department Director or the designee for Deschutes County, Oregon.

"Applicant" means a person or entity applying for a permit to place signs, logos or sign panels or supplemental sign panels within the right of way.

"Business sign (Logo)" means a separately attached sign mounted on the sign panel to show the brand, symbol, trademark or name, or combination thereof, of services available.

"Directional information" means the name of the business, service or activity, qualified historical feature or qualified cultural feature and other necessary information to direct the motoring public to the business, service or activity, placed on a tourist-oriented directional sign.

"Directional sign" means a sign identifying and containing directional information to one or more public services, to natural phenomena or historic, cultural, scientific, educational or religious sites or facilities, or to recreational facilities open to the general public, including marinas, boat ramps, camping facilities and day recreation facilities.

"Erect or construct" means to construct, build, assemble, place, affix, attach, create, paint, draw or in any way bring into being or establish.

"Maintain" includes painting or routine repairs necessary to maintain the sign in a neat, clean, attractive and safe condition, and the term includes allowing to exist.

"MUTCD" means the Manual on Uniform Traffic Control Devices.

"Qualified motorist business" means a business furnishing gas, food, lodging or camping which has met the requirements of these regulations for the placement of a logo on a sign panel or supplemental sign panel.

"Reconstruction" means replacing a sign totally or partially to increase its size or performing any work, except maintenance work, that alters or changes a sign.

"Responsible operator or owner" means the owner in fee simple or a person or entity who operates a motorist business and who has authority to enter into an agreement relative to matters covered by DCC 10.05.

"Right of way" means the area between the boundary lines of a street, road or other public easement under the jurisdiction of the Board of County Commissioners.

"Sign panel" includes "motorist informational signs," "specific informational panel" and "logo signs."

"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 an intersection.

"Traffic Control Device" means all signs, signals, markings, and other devices used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, bikeway, or private road open to public travel by authority of a public agency.

"Trailblazer" means a small sign panel with the type of motorist service offered and the name, direction and distance to the qualified motorist business.

"Type I signs"- means Qualified Motorist Business. signs consisting of tour route signs; tourist information signs; public facility and service signs; commercial businesses offering food, gas, lodging or camping services; historic location signs; federal, state and local recreational and facility signs; and nonprofit institutions, including churches and civic organizations.

"Type II signs" means Qualified Tourist-oriented Business signs identifying any legal, cultural, historical, recreational, educational or entertaining activity or a unique or unusual commercial or nonprofit 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.

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991

Amended by Ord. 95-034 §1 on 5/17/1995

Amended by Ord. 2023-020 §1 on 9/13/2023

10.05.030 General Requirements

Except for those signs which are approved by the Administrator pursuant to DCC 10.05.060 and except for signs that are exempted under DCC 10.05.040, a person may not erect or maintain a sign or sign panel on County right of way.

HISTORY

Adopted by Ord. 2023-020 §1 on 9/13/2023

10.05.040 Exemptions.

The following signs are exempted from the requirements of DCC 10.05.030:

- A. Those traffic control devices that are required for traffic control and safety included in the MUTCD as determined by the Administrator.
- B. Directional signs for temporary activities that are granted a permit by the Administrator lasting less than 14 days which otherwise are in compliance with the terms of this ordinance, including parades, fun runs, bicycle or pedestrian contests, or special public functions.
- C. Type I and Type II signs that are granted a permit by the Administrator.

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991

Amended by Ord. 95-034 §1 on 5/17/1995

Amended by Ord. 2023-020 §1 on 9/13/2023

10.05.030-050 Prohibited Uses

A sign or sign panel exempted under DCC 10.05.040 may not be erected or maintained if it:

- A. Interferes with, imitates or resembles any official traffic control sign, signal or device, or attempts or appears to attempt to direct the movement of traffic.
- B. Prevents the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic.
- C. Contains, includes or is illuminated by any flashing, intermittent, revolving, rotating or moving lights, or moves or has any animated or moving parts. This subsection does not apply to traffic control devices.
- D. Has any lighting, unless such lighting is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of a road, or is of such low intensity as not to cause glare or to impair the vision of the driver or otherwise to interfere with the operation thereof.
- E. Is located upon a tree or painted or drawn upon a rock or other natural feature.
- F. Advertises or calls attention to an activity or attraction no longer carried on.
- G. Advertises activities that are illegal under any state, federal or local law applicable at the location of the sign or of the activities.

- H. Is not maintained in a neat, clean and attractive condition and in good repair as determined by the Road Department Director or his designee.
- I. Is not able to withstand a wind pressure of 20 pounds per square foot of exposed surface.
- ~~J.~~ Is on a vehicle or trailer. This subsection does not apply to a vehicle or trailer used for transportation by the owner or person in control of the property.
- ~~K.~~ Does not meet the requirements of DCC 10.05 or the MUTCD.

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991

Amended by Ord. 95-034 §1 on 5/17/1995

Amended and Renumbered by Ord. 2023-020 §1 on 9/13/2023

10.05.040 Exemptions

~~The following signs are exempted under DCC 10.05:~~

- ~~1. Those traffic signs that are required for traffic control and safety included in the MUTCD.~~
- ~~2. Those portions of sign that intrude into the public right of way that were granted a permit under the Deschutes County Sign Ordinance.~~
- ~~3. Temporary activity signs that are granted a permit lasting less than 90 days which otherwise are in compliance with the terms of this ordinance, including parades, fun runs, bicycle or pedestrian contests, political signs or special public functions.~~

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991

Amended by Ord. 95-034 §1 on 5/17/1995

10.05.050 Sign Types

~~The following types of signs are allowed under the terms of DCC Title 10:~~

- ~~A. Type I—Qualified Motorist Business. Tour route signs; tourist information signs; public facility and service signs; commercial businesses offering food, gas, lodging or camping services; historic~~

~~location signs; federal, state and local recreational and facility signs; and nonprofit institutions, including churches and civic organizations.~~

- ~~B. Type II — Qualified Tourist-oriented Business. Any legal, cultural, historical, recreational, educational or entertaining activity or a unique or unusual commercial or nonprofit 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.~~

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991

Amended by Ord. 95-034 §1 on 5/17/1995

10.05.060 Application Process – Type I and Type II Signs

- A. Application for a Type I or Type II sign shall be made in writing addressed to the **Road Department Director for Deschutes County, Oregon Administrator**. It may be in letter form or on a form prepared for such purpose by the department. Information contained shall include the following: the name, address and telephone number of the owner or operator of the business or service for which the sign is intended; the reason for the sign; a description of the location(s) for the sign; a description of the information requested on the sign; and be accompanied by the appropriate application fee. Each business applicant shall also submit a copy of the business' land use permit. The Administrator shall notify the appropriate Planning Director of the application and request review and comment on the application.
- B. Within 30 working days from the date of receipt of the request for a sign, the Administrator shall respond in writing to the applicant as to the adequacy of the information received. Requests for signs that do not comply with the provisions of DCC 10.05 shall be denied by the Administrator. If the application is denied, the Administrator shall cite the appropriate section of the ordinance or MUTCD pertinent to the application.
- C. Each application shall be accompanied with the appropriate fee for processing. If the application is approved, the applicant shall make arrangements to have the department install the sign and pay the required costs for materials, labor and travel. Payment of such costs and execution of a maintenance agreement, along with not less than two year's maintenance fees, shall be made in advance.
- D. If the application is denied, the applicant may appeal the decision as provided in DCC 22.

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991

Amended by Ord. 95-034 §1 on 5/17/1995

Amended by Ord. 2023-020 §1 on 9/13/2023

10.05.070 Composition– Type I and Type II Signs

All signs installed under the terms of DCC Title 10 shall be in compliance with the MUTCD;

- A. Sign panels shall have a blue background with a white reflectorized border for all signs, except historical, cultural and recreational which shall have a brown background.
- B. Logos shall have a blue background with a white legend and border. The principal legend should be at least equal in height to the directional legend on the sign panel. Where business identification symbols or trademarks are used alone for a logo, the border may be omitted, the symbol or trademark shall be reproduced in the colors and general shape consistent with customary use and any integral legend shall be in proportionate size. Messages, symbols and trademarks which resemble any official traffic control device are prohibited. The vertical and horizontal spacing between logos on sign panels shall not exceed eight inches and 12 inches respectively.

- C. All directional arrows and all letters and numbers used in the name of the type of service and directional legend shall be white and reflectorized.
- D. Each logo shall be contained within a 24-inch wide and 18-inch high rectangular background area, including border.
- E. All letters used in the name of the type of service on the sign panel shall be four-inch capital letters.
- F. Tourist-oriented directional signs shall have a blue reflectorized background with a white reflectorized border and message. The intersection sign shall not exceed 18 inches in height and 72 inches in length, and shall have not more than two lines of legend, including a separate direction arrow and the distance to the facility to the nearest one-quarter mile. The content of the legend shall be limited to the identification of the business and shall not include promotional advertising as determined by the Administrator.

F.G.

A six-inch letter height shall be used. Advance tourist-oriented directional signs shall be the same as intersection tourist-oriented directional signs, except that in lieu of the directional arrow and mileage, the sign shall include the directional word information "ahead" or "next left" etc. as may be required.

G.H. All directional arrows, letters and numbers used in the name of the type of service and the directional legend shall be white and reflectorized.

H.I. Tourist-oriented directional signs are to be located at intersections.

I.J. Notwithstanding the fact that a tourist-oriented business meets all of the eligibility requirements of this ordinance and applicable provisions of the Deschutes County Code, an application may be denied if it is determined, after investigation by the Administrator, that adequate direction to the business cannot be given by a reasonable number of allowable tourist information directional signs.

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991

Amended by Ord. 95-034 §1 on 5/17/1995

Amended by Ord. 2023-020 §1 on 9/13/2023

10.05.080 Fees; Installation And Maintenance – Type I and Type II Signs

- A. All Type I and Type II signs, except city, county, state and federal directional and information signs, shall be required to reimburse the County for the actual costs of processing the application and the material and labor required to construct, purchase, locate, install and maintain a sign for an applicant. A fee schedule shall be adopted each budget year which sets forth the department's fees which shall apply until replaced by a new fee schedule.
- B. All Type I and Type II signs shall be installed, maintained and removed by the County in accordance with the MUTCD and DCC 10.05.

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991

Amended by Ord. 95-034 §1 on 5/17/1995

Amended by Ord. 2023-020 §1 on 9/13/2023

10.05.090 Criteria For Specific Information Panels– Type I and Type II Signs

- A. Each qualified motorist business identified on a sign panel shall have given written assurance to the Administrator 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 the assurance.

- B. The types of service permitted shall be limited to: "Gas," which shall include fuel, oil, tire repair, air and water, restroom facilities, drinking water and telephone, with continuous operations for a minimum of 12 hours a day, six days a week. "Food" shall include, continuous operations for a minimum of 12 hours a day, six days a week, restroom facilities and telephone, with the primary business of providing meals. "Lodging" shall include, adequate sleeping accommodations, modern sanitary facilities and drinking water. "Camping" shall include, adequate parking accommodations, modern sanitary facilities and drinking water.
- C. Panels shall be in the direction of traffic. Successive sign panels shall be those for "camping," "lodging," "food," and "gas," in that order.
- D. Riders with the words "diesel" or "LP gas" or a rider containing both may be placed on a sign panel underneath any gas logo if the qualified motorist service business has diesel or LP gas available during its hours of operation. Such rider shall be 35 inches long and seven inches high with six-inch letters. The color shall be blue with white letters. The combination rider shall be 52 inches long and seven inches high with five-inch high letters.
- E. Each qualified tourist-oriented business identified on a tourist-oriented directional sign shall have given written assurance to the Administrator 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.
- F. Except for undeveloped cultural and historic features, a qualified tourist-oriented business shall have restroom facilities and drinking water available; continuous operation at least six hours per day, six days a week during its normal business season; a license where required; and adequate parking accommodations.

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991

Amended by Ord. 95-034 §1 on 5/17/1995

Amended by Ord. 2023-020 §1 on 9/13/2023

10.05.100 Spacing Of Signs And Panels– Type I and Type II Signs

Spacing of sign panels and the placement of directional signs shall be in accordance with the MUTCD and in the judgment of the Administrator. In any case, the number of signs, including directional signs, shall be the minimum necessary to enable a motorist to locate the tourist-oriented business or to locate the public service.

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991

Amended by Ord. 95-034 §1 on 5/17/1995

Amended by Ord. 2023-020 §1 on 9/1/2023

10.05.10510 Application Process – Temporary Directional Signs

- A. Application for a temporary directional sign shall be made in writing addressed to the Administrator. It may be in letter form or on a form prepared for such purpose by the Department. Information contained shall include the following: the name, address and telephone number of the coordinator of the activity for which the sign is intended; the reason for the sign; a description of the location(s) for the sign; a description of the information requested on the sign; and be accompanied by the appropriate application fee. Each applicant shall also submit a copy of the land use permit or special event permit, if applicable. The Administrator shall notify the appropriate Planning Director of the application and request review and comment on the application if applicable.
- B. Within 30 working days from the date of receipt of the request for a sign, the Administrator shall respond in writing to the applicant as to the adequacy of the information received. Requests for signs that do not comply with the provisions of DCC 10.05 shall be denied by the Administrator. If the

application is denied, the Administrator shall cite the appropriate section of the ordinance or MUTCD pertinent to the application.

C. Each application shall be accompanied with the appropriate fee for processing.

D. If the application is denied, the applicant may appeal the decision as provided in DCC 22.

HISTORY

Adopted by Ord. 2023-020 §1 on 9/13/2023

10.05.110 Violation; Penalty

- A. Any person, firm or corporation erecting, constructing, reconstructing or maintaining a ~~business sign, directional sign, tourist-oriented directional sign, trailblazer or temporary activity~~ sign in violation of the provisions of DCC 10.05 constitutes a Class A violation and shall be punishable upon conviction by a fine of not more than \$500.00.
- B. Each day of a violation described in DCC 10.05.110(A) constitutes a separate offense and is punishable as a continuing violation under DCC 1.16.

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991

Amended by Ord. 95-034 §1 on 5/17/1995

Amended by Ord. 2003-021 §22 on 4/9/2003

Amended by Ord. 2023-020 §1 on 9/13/2023

10.05.120 Nuisance Declared; Removal

- A. Any sign maintained in violation of DCC 10.05 constitutes a nuisance.
- B. Nothing in DCC 10.05 shall be construed to limit the authority of the County Road Official pursuant to ORS 368.945.

HISTORY

Adopted by Ord. 90-011 §1 on 1/2/1991

Amended by Ord. 95-034 §1 on 5/17/1995