



CITY OF GEARHART

Staff Report

For City Council Meeting - 1/3/2024

Subject - Ordinances/Resolutions - Ordinance #941 An Ordinance Amending the City of Gearhart Zoning Ordinance Regarding the Placement of Political Signs in Gearhart

Synopsis: City Attorney Peter Watts provided Council with DRAFT Ordinance #941 at the request of the City Council due to an interest in regulating temporary political signs. Below are some key areas that this Code addresses, as well as some discussion items that he has provided.

- Public Right-of-way or City Property: Signs on public property (such as parks, fire stations, and City Hall) or placed in the public right-of-way are not permitted.
- It is not always obvious if property is in the public right of way, so I have added flexibility related to potential fines. For instance, if the owner of the property placed a sign immediately adjacent to their property, the City could issue a warning.
 - If a sign is placed in the right-of-way or City property, it will be removed. A notice of violation will be sent to the responsible party; there is a possible fine.
 - The fine, if Council wants to go in that direction, would be set by Council. The Code as drafted also contemplates a fee if the owner wants to retrieve the sign. This would be set by Council.
- Additional temporary signs on private property in residential zones during election season:
 - The signs should be posted either on your property or with consent of the property owner.
 - No application or fees are required to post a sign on private property.
 - No sign shall extend into or over the public right-of-way of any street.
 - The maximum sign area is six square feet.
 - Signs may not be attached to trees, shrubbery, utility poles, or traffic control signs or devices.
 - Signage may not include the use of balloons or other moving, flashing, or animated parts.
 - The additional signs allowed during the election season must be removed no later than the fifth day following the election.
- While this Code has been drafted to address election signs, case law indicates that other ideological signs would need to be permitted prior to the election as well. One example would be a sign that contains a "=" sign, or a sign that says "vote" would likely be protected, although those signs don't specifically support a candidate.
- The Code can add that candidate signs would meet all state law requirements, but signs that may be "political" but not candidate-specific would not be required to have that information.

At the last Council meeting, amendments were made and the attached draft includes them. A motion was made to approve as amended and it passed unanimously.

Council Options:

- 1) Motion to approve Ordinance #941 reading once by the title only;
- 2) Make further changes and motion to approve as amended;
- 3) Take other action desired by the Council.

Recommendation: Staff recommends Council motion to approve Ordinance #941 reading once by title only.

Recommended Motion

Move to approve Ordinance #941 reading once by title only to establish a political sign ordinance in Gearhart.

Legal Analysis: Peter is available for questions. This is the second reading and if passed tonight the ordinance takes effect in 30 days.

Financial Analysis: N/A

Respectfully Submitted,



Chad for Mr. Peter Watts



ORDINANCE NO. 941

AN ORDINANCE AMENDING THE CITY OF GEARHART ZONING ORDINANCE REGARDING THE PLACEMENT OF POLITICAL SIGNS IN GEARHART

WHEREAS, the City of Gearhart wishes to adopt clear and objective standards so residents can engage in political speech through signs; and

WHEREAS, the City of Gearhart wishes to eliminate political signs in public right of ways and on public property;

NOW, THEREFORE, we the City of Gearhart ordain as follows:

6.025 Temporary Election Related Signs Exempt From Permit and Fee.

The following signs shall comply with all provisions and regulations of this chapter; however, no fee, permit, or application is required. Temporary signs are prohibited signs except as provided by this section.

1. Generally.

- A. **Illumination:** No temporary sign shall be internally or externally illuminated.
- B. **Location:**
 - 1. Except as provided by this section, no temporary sign shall extend into or over the public right-of-way of any street.
 - 2. No temporary sign shall extend into the vision clearance area.
- C. **Maintenance:** Temporary signs shall be kept neat, clean and in good repair. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed.
- D. **Placement:** Except as provided by this section, temporary signs shall not be attached to trees, shrubbery, utility poles, or traffic control signs or devices. They shall not obstruct or obscure primary signs on adjacent premises.
- E. **Sign Collection and Retrieval:**
 - 1. The City may collect temporary signs placed in the public right of way without a permit.
 - 2. Each sign collected will be stored for a minimum of 30 days.
 - 3. Notice will be mailed within three business days of the date of collection to the owner of each sign if the ownership is reasonably discernible from the sign.

4. The owner of a sign may retrieve a sign collected by the City within 30 days of the collection date. The owner must present proof of ownership of the sign and pay a sign retrieval fee in an amount established by resolution of the City Council.

2. Allowed Signage.

A. In any residential zone, temporary signage shall be allowed for each and every lot. This signage shall not be restricted by content, but is usually and customarily political or ideological positions. Signage shall be allowed for each lot as follows:

1. Temporary signs not exceeding six square feet, provided the signs are erected not more than 90 days prior to an election and removed within five days following the election.
2. Temporary signs erected within a building which do not obstruct more than 10 percent of any individual window surface.
3. Candidate signs shall meet state law requirements.
4. Only one sign allowable per candidate and/or measure.

Passed by the City Council of Gearhart this _____ day of _____, 2024.

Yeas: _____

Nays: _____

Absent: _____

Abstain: _____

Approved and signed by the Mayor of Gearhart this _____ day of _____, 2024.

Mayor Kerry Smith

ATTEST:

City Administrator, Chad Sweet