

ORDINANCE NO. 4709

AN ORDINANCE AMENDING THE BEAVERTON CITY  
CODE, TITLE 5, CHAPTER 5.05, SECTION 5.05.115, TO  
ALLOW TEMPORARY PORTABLE SIGNS IN PUBLIC  
RIGHT-OF-WAY SUBJECT TO LIMITATIONS IDENTIFIED  
IN THE BEAVERTON DEVELOPMENT CODE

**WHEREAS**, the City proposed a comprehensive update of existing sign regulations that apply to various types of signs throughout the city; and,

**WHEREAS**, the update to sign regulation introduces new standards for portable temporary signs and allowances for placement in public right-of-way under circumstances and restrictions; and,

**WHEREAS**, Section 5.05.115 of Beaverton Code prohibits obstructions that allow for the full and free use of public right-of-way except as otherwise permitted by the City Code or other City ordinance; and,

**WHEREAS**, Subsection 5.05.115.E of Beaverton Code identifies exemptions to Section 5.05.115 and portable temporary signs are not listed among these exemptions; and,

**WHEREAS**, the addition of portable temporary signs, subject to regulation, will continue to provide visual safety and free use of public right-of-way; and,

**WHEREAS**, the addition of portable temporary signs, subject to regulation, will comply with standards identified in the American Disabilities Act; and,

**WHEREAS**, proposed revisions to Section 5.05.115.E were subject to public notice and a public hearing before the Beaverton City Council on April 18, 2017; and,

**WHEREAS**, the Beaverton City Council voted in support of the Planning Commission's recommended text amendment that allows, in part, portable temporary signs in public right-of-way subject to restrictions; now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** The Beaverton City Code, Section 5.05.115.E is amended to read as set out in Exhibit "A" of this Ordinance, attached hereto and incorporated herein by this reference.

**Section 2.** All Beaverton City Code provisions adopted prior to this Ordinance which are not expressly amended or replaced herein shall remain in full force and effect.

**Section 3. Severance Clause.** The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to effect the evident intent and purposes taken as a whole insofar as reasonably possible under all of the relevant circumstances and facts.

First reading this 2 day of May, 2017.

Passed by the Council this \_\_\_ day of \_\_\_\_\_, 2017.

Approved by the Mayor this \_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

APPROVED:

\_\_\_\_\_  
CATHY JANSEN, City Recorder

\_\_\_\_\_  
DENNY DOYLE, Mayor

New text is shown in highlighted in grey.  
Text to be removed is shown ~~struck through~~.

**Section 1: The Beaverton City Code, Title 5 Public Protection, Chapter 5.05 Nuisances, Section 5.05.115 Obstructing Public Right-of-Way, will be amended to read as follows:**

**Title 5 PUBLIC PROTECTION**

\*\*\*\*\*

**Chapter 5.05 Nuisances**

\*\*\*\*\*

**5.05.115 Obstructing Public Right-of-Way.**

\*\*\*\*\*

E. Exemptions. This section shall not apply to:

1. Officers or employees of the City in the discharge of their official duties, or to work being performed by any person under contract with the City.
2. Fire hydrants, parking meters, traffic control devices, signs, notices or other similar objects authorized by the City or other competent public authority.
3. Bicycle storage racks approved by the City's ~~Traffic control board~~ Commission.
4. Persons granted a franchise, license or other permission by the City to erect, construct, place and maintain utilities or other facilities or equipment in or upon the public right-of-way.
5. Mailboxes complying with the rules and regulations of the United States Postal Service; except that mailboxes and containers for the collection and storage of mail shall be so placed and maintained as to not endanger the life or safety of the traveling public or inhibit the flow of vehicular or pedestrian traffic, regardless of when the situation should first come into existence.

6. Builders using a portion of the public right-of-way when necessary for building or construction purposes if a permit to do so has been obtained from the appropriate City official.

7. Merchandise, boxes, household goods, building materials or other articles in the actual course of receipt, delivery or removal if the items are removed from the public right-of-way within a reasonable period of time.

8. Ornamental trees, shrubs, grass or other landscaping within a parking landscape strip, if the landscaping does not constitute a nuisance, does not occupy any portion of the area that is 14 feet or less above the surface of an arterial roadway as designated on the Comprehensive Plan, or 12 feet or less above the surface of any roadway not designated on the Comprehensive Plan as an arterial, or 8 feet or less above the surface of the sidewalk or bicycle or pedestrian path, conforms as to species and location with the City's Tree Planting and Maintenance Policy, and complies with all other Code or City ordinance requirements. The City may use the planted area for any purpose whatsoever and may issue a permit to any applicant to encroach or to perform work on it. If the planted area is damaged or disturbed in the course of an authorized encroachment, it shall be removed and replaced by the permittee unless the permit specifically states otherwise and the owner of the abutting property is so notified in advance. [BC 5.05.115 E8, amended by Ordinance No. 3979, 4/22/97]

9. A basketball backboard, hoop, net and supporting apparatus, if affixed to the public right-of-way in accordance with the provisions of BC 9.01.200 through 9.01.235.

10. Newspaper tubes for home delivery of newspapers. The method of placement, design and quality of construction shall be approved by the ~~planning department~~ Public Works Director, and the newspaper tubes shall be so placed and maintained as to not endanger the life or safety of the traveling public or inhibit the flow of vehicular or pedestrian traffic, irrespective of when such situation should first come into existence. No tube for delivery of newspapers shall be placed or maintained over or within any sidewalk, and shall be located and placed on the same support as, or proximate to, the existing mailbox.

11. Festivity decorations if a permit for them has been issued under BC 9.01.010 through 9.01.060 and newspaper dispensing stands, sidewalk benches, transit shelters, and other similar facilities if a permit has been issued under BC 9.01.300 through 9.01.330. [BC 5.05.115 E11, amended by Ordinance No. 3373, 6/5/84; and Ordinance No. 3872, 11/1/93]

12. Temporary portable signs subject to size, height, placement, number, duration and other standards under the Beaverton Development Code, Chapter 60, Section 60.40.45.4.