

**RESOLUTION No.**

**35745**

Authorize an appeal to the Oregon Court of Appeals from a Multnomah County Circuit Court decision concerning Zoning Code sign regulations (Resolution)

WHEREAS, Multnomah County Circuit Court has issued a partial final judgment in the case of *AK Media Group, Inc v City of Portland*, No 9801-00125, declaring that the definitions of "sign," "painted wall decorations," and "painted wall signs" in Portland City Code 33 910 030 on their face violate Article 1, Section 8, of the Oregon Constitution as content based restrictions to the extent they depend on the distinction based on text, numbers, registered trademarks and registered logos, and that since the city has made no showing of any historical exception the definitions to this extent are void, unenforceable and of no force, and

WHEREAS, AK Media is disputing the extent to which the definitions and other regulations in the Zoning Code are invalidated by this judgment, and

WHEREAS, the City Council finds that protecting the public interest in avoiding health and safety impacts associated with unregulated signage requires that judicial review be obtained in this matter

NOW, THEREFORE, BE IT RESOLVED, that the Portland City Council directs the City Attorney, acting through outside counsel, to file an appeal to the Oregon Court of Appeals from the Multnomah County Circuit Court judgment in *AK Media Group, Inc v City of Portland*, No 9801-00125

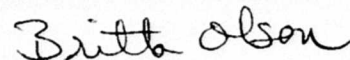
Commissioner Charlie Hales  
Pete Kasting  
November 30, 1998

Adopted by the Council

DEC 09 1998

**BARBARA CLARK**  
Auditor of the City of Portland

By



Deputy

1779

Agenda No

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Title

Authorize an appeal to the Oregon Court of Appeals from a Multnomah County Circuit Court decision concerning Zoning Code sign regulations (Resolution)

INTRODUCED BY	Filed <b>DEC 04 1998</b>
Commissioner Charlie Hales	Barbara Clark Auditor of the City of Portland
NOTED BY COMMISSIONER	<p><i>Cay Kershner</i> By _____</p> <p>_____</p> <p>For Meeting</p> <p>of _____</p> <p>ACTION TAKEN</p>
Affairs	
Finance and Administration	
Safety <i>Charlie Hales</i>	
Utilities	
Works	
BUREAU APPROVAL	
Bureau Bureau of Planning <i>Dave Knowles</i>	
Prepared by Hales/PK/jtl Date 11/30/98	
Budget Impact Review	
Completed _____ Not Required _____	
Bureau Head Dave Knowles	

Agenda		Four Fifths Agenda	Commissioners voted as follows	
Consent	Regular		YEAS	NAYS
NOTED BY		Francesconi	Francesconi	}
City Attorney	<i>by [Signature]</i>	Hales	Hales	
City Auditor		Kafoury	Kafoury	
City Engineer		Sten	Sten	
		Katz	Katz	