

**TITLE 15  
BUILDINGS AND CONSTRUCTION**

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**Chapter 15.04  
BUILDING CODE**

**15.04.010 Administration and enforcement.**

The city shall provide for the administration of all plan-checking, permit and inspection programs that have been delegated by the state. The city program is applicable to public buildings, including state buildings, as well as private buildings, as modified by Sections 15.04.010 to 15.04.160. The standards applicable to buildings shall be as listed in Section 15.04.120. (Ord. 98-12 § 1 (part), 1998.)

**15.04.020 Title.**

These regulations shall be known as the "city of Sandy building code," may be cited as such and will be referred to herein as "this code." (Ord. 98-12 § 1 (part), 1998.)

**15.04.030 Purpose.**

This code will establish uniform performance standards providing safeguards for health, safety, welfare, comfort and security of these occupants and users of buildings in the city of Sandy and for the use of modern methods, devices, materials, techniques, and practicable maximum energy conservation. (Ord. 98-12 § 1 (part), 1998.)

**15.04.040 Scope.**

This code shall apply to the construction, alternation, moving, demolition, repair, maintenance and work associated with any building or structure except those located in

a public way. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall control. (Ord. 98-12 § 1 (part), 1998.)

#### **15.04.050 Definitions.**

For the purpose of the code, the following definition shall apply: "Building official" means the duly appointed officer or other designated authority charged with the administration and enforcement of this code, and includes the building official's duly authorized deputies, officers, and inspectors. (Ord. 98-12 § 1 (part), 1998.)

#### **15.04.060 Alternate materials and methods.**

The provisions of this code are not intended to prevent the use of any alternate material, design or method of construction not specifically prescribed in this code, provided such alternate has been reviewed and its use authorized by the building official. The building official may approve any such alternate material, design or method, provided the building official specifically finds the proposed material, design or method complies with the provisions of this code and that is, for the purpose intended, at least the equivalent of that prescribed in this code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation. The building official shall require that evidence or proof be submitted to substantiate any claims that may be made regarding the alternate materials, designs or methods. The details of any approval of any alternate material, design or method shall be recorded and entered in the files of the agency. (Ord. 98-12 § 1 (part), 1998.)

#### **15.04.070 Modifications.**

When there are practical difficulties in carrying out the provisions of this code, the building official may grant modifications provided the building official finds the modification is in conformance with the intent and purpose of this code and that such modification does not lessen any fire-protection requirements nor the structural integrity of the building involved. Any action granting modification shall be recorded in the files of the building division. (Ord. 98-12 § 1 (part), 1998.)

#### **15.04.080 Tests.**

Whenever there is insufficient evidence of compliance with the provisions of this code or that any material, method or design does not conform to the requirements of this code, the building official may require tests as proof of compliance to be made at no expense to the city of Sandy. Test methods shall be as specified by this code or by other recognized test standards. If there are not recognized and accepted test methods for the proposed alternate, the building official shall have the sole and exclusive authority to determine appropriate test procedures. All tests shall be made by an approved testing agency. The building official shall retain reports of such tests for the period required for the retention of similar public records. (Ord. 98-12 § 1 (part), 1998.)

#### **15.04.090 Powers and duties of building official.**

**A. General.** Code enforcement shall be under the administrative and operational control

of the building official. The building official is authorized to enforce all the provisions of this code. The building official shall have the power to render written and oral interpretations of this code and to adopt and enforce administrative procedures in order to clarify the application of its provisions.

**B. Deputies.** In accordance with prescribed procedures and with the approval of the city, the building official may appoint technical officers and inspectors and other employees to carry out this function. The building official may request, and shall receive, the assistance and cooperation of other officials of this jurisdiction, so far as is required in the discharge of the duties required by this code or other pertinent law or ordinance.

**C. Liability Limitation.** The building official charged with the enforcement of this code, acting in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or omission in the discharge of such duties. A suit brought against the building official or employee because of such act or omission performed by the building official or employee in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the building official shall be defended by the city of Sandy until final termination of such proceedings, and any judgement resulting therefrom shall be assumed by the city of Sandy. This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the building official or the city of Sandy be held assuming any such liability by reason of the inspections authorized by this code of any permit or certificates issued under this code.

**D. Right of Entry.** When it may be necessary to inspect a building in order to enforce the provisions of this code, or if the building official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to, in violation of this code or which otherwise makes the building or premises unsafe, dangerous or hazardous, the building official may enter such building or premises at reasonable times to inspect or to perform the duties imposed by this code; provided that if such building or premises be occupied, that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the building official shall have the right to seek a search warrant from a judicial officer in order to secure entry.

**E. Stop Work Orders.** Whenever any work is being done contrary to the provisions of this code (or other pertinent laws or ordinances implemented through its enforcement), the building official may order the work stopped by giving notice in writing served on any person(s) engaged in the doing or causing of such work to be done. Such person(s) shall stop any and all such work until specifically authorized or released by the building official to proceed herewith.

**F. Authority to Disconnect Utilities in Emergencies.** The building official or the building official's authorized deputy shall have the authority to disconnect fuel-gas utility service, and/or other energy supplies to a building, structure, premises or equipment regulated by this code when necessary to eliminate an immediate hazard to life or property. The building official shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or premises of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or premises in writing of such disconnection within twenty-four hours thereafter.

**G. Authority to Abate Hazardous Equipment.** When the building official ascertains that equipment, or any portion thereof, regulated by this code has become or is hazardous to life, health or property, the building official shall order the equipment either removed from its location or restored to a safe and/or sanitary condition, as appropriate. The notice shall be in writing and contain a fixed time limit for compliance. Persons shall not use the equipment after receiving such notice, until authorized to do so by the building official. When equipment (or an installation) is to be disconnected, written notice of the disconnection (and causes therefor) shall be given within twenty-four hours to the involved utility, the owner and/or occupant of the building, structure or premises. When equipment is used or maintained in violation of this code and in violation of a notice issued pursuant to the provisions of this section, the building official may institute such action as he/she deems necessary to prevent, restrain, correct or abate such use or maintenance.

**H. Connection after Order to Disconnect.** No person shall make a connection to or from an energy, fuel or power supply to any equipment regulated by this code which has been disconnected or ordered disconnected or discontinued by the building official until the building official specifically authorizes the reconnection and/or use of such equipment.

**I. Maintenance.** All buildings and structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this code shall be maintained in conformance with the code edition under which installed. The owner or the owner's designated agency shall be responsible for the maintenance of buildings and structure. To determine compliance with this section, the building official may cause a structure to be re-inspected.  
(Ord. 98-12 § 1 (part), 1998.)

#### **15.04.100 Appeals.**

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, appeals can be made to the applicable State Advisory Board per ORS 455.070. (Ord. 98-12 § 1 (part), 1998.)

#### **15.04.110 Plans and permits.**

**A. Issuance.** The building official shall review the application, plans, specifications,

computations and other data filed by an applicant for a permit. Such plans may be reviewed by other city of Sandy departments to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of this code and other pertinent laws and ordinances, and that the fees have been paid, the building official shall issue a permit therefore to the applicant. When the building official issues the permit where plans are required, the building official shall enforce in writing or stamp the plans and specifications "REVIEWED." Such reviewed plans and specifications shall not be changed, modified or altered without authorization from the building official, and all work regulated by this code shall be done in accordance with the reviewed plans. The building official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or reviewed, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of a partial permit shall proceed without assurance that the permit for the entire building or structure will be granted.

**B. Retention of Plans.** One set of reviewed plans, specifications and computations shall be retained by the building official for a period of not less than ninety days from date of completion of the work covered therein, and one set of reviewed plans and specifications shall be returned to the applicant, with said set being kept at the site of the building or work at all times during which the work authorized thereby is in progress.

**C. Validity of Permit.** The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction or any other federal, state or local law, statute, rule, regulation or ordinance. The issuance of a permit based on plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors in such plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of this code or any other ordinances of the city of Sandy.

**D. Expiration of Plan Reviews.** Applications for which no permit is issued within one hundred eighty days following the date of the application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding one hundred eighty days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

**E. Permit Expiration, Extension and Reinstatement.** Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and

void if the building and/or work authorized is not commenced within the time limitations set forth in this section. Every permit issued by the building official shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty days from the date of permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty days. The work shall not be considered suspended or abandoned where the permittee has pursued activities deemed by the building official to indicate the intent to start and complete the project. The building official may require the permittee to document these activities. Every permit issued by the building official shall expire by limitation and become null and void twenty-four months after the date of permit issuance. If the building or work authorized by such permit has not received final inspection approval prior to the permit expiration date, all work shall stop until a new permit is obtained for the value of the work remaining unfinished. Exception: At the time of permit issuance, the building official may approve a period exceeding twenty-four months for completion of work when the permittee can demonstrate that the complexity or size of the project makes completing the project within twenty-four months unreasonable. Any permittee holding an unexpired permit may apply for an extension of the time within which work is to be completed under that permit when the permittee is unable to complete work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding one hundred eighty days or written request by the permittee showing that circumstances beyond the control of the permittee have prevented work from being completed. No permit shall be extended more than once. When a permit has expired, the permit can be reinstated and the work authorized by the original permit can be recommended, provided the following are met:

1. The building code under which the original permit was issued and other laws that are enforced by the building official have not been amended in any manner, which affects the work authorized by the original permit;
2. No charges have been made or will be made in the original plans and specifications for such work;
3. The original permit expired less than one year from the request to reinstate;
4. The fee for a reinstated permit shall be one-half the amount required for a new permit. Where the request for reinstatement does not comply with the preceding criteria, a new permit, at full permit fees, shall be required.

**F. Work without a Permit/Investigation Fees.** Whenever any work for which a permit is required by this code has been commenced without first obtaining such permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, may be collected whether or not a permit is then or subsequently issued. The payment of such investigation fee shall not exempt

any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

**G. Not Transferable.** A permit issued to one person or firm is not transferable and shall not permit any other person or firm to perform any work thereunder.

**H. Suspension/Revocation.** The building official may, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error on the basis of incorrect information supplied, or if its issuance (or activity thereunder) is in violation of any ordinance or regulation of any other provisions of the city code.

**I. Inspections.** It shall be the duty of the permit holder or authorized agent to request all inspections that may be necessary or otherwise required in a timely manner, provide access to the site, and to provide all equipment as may be deemed necessary or appropriate by the building official. The permit holder shall not proceed with construction activity until authorized to do so by the building official. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. Any expenses incurred by the permit holder to remove or replace any material requested for proper inspection shall be the responsibility of the permit holder or his agent. Work requiring a permit shall not be commenced until the permit holder has posted or otherwise made available an inspection record card such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder under final approval has been granted by the building official.  
(Ord. 98-12 § 1 (part), 1998.)

**15.04.120 Building code standard.**

**A. State of Oregon Structural Specialty Code-Current Edition.**

1. Enforcement of State Code. The Oregon Structural Specialty Code, as adopted by OAR 918-469-0010 through 981-460-0015, except as modified in this code, is enforced as part of this code.

2. Excavation and Grading/Erosion Control. Appendix Chapter 33 of the Uniform Building Code, current edition, published by the ICBO, is adopted as part of this code.

**B. Uniform Fire Code with Oregon Amendments.** For the purposes of prescribing regulations and governing conditions hazardous to life and property from fire or explosion, the Uniform Fire Code, current edition, as amended by the State Fire Marshal, is adopted in its entirety as though it were fully and completely set out in this section.

**C. State of Oregon Mechanical Specialty Code-Current Edition.**

1. Enforcement of State Code. The Oregon Mechanical Specialty Code, as adopted by OAR 918-440-0010 through 918-440-0040, is enforced as part of this code.

2. Process Piping. Appendix Chapter 14 of the Uniform Mechanical Code, current edition, published by the International Conference of Building Officials, except as modified in the following paragraph, is adopted as part of this code.

3. Section 1401 of this Appendix chapter is modified to read as follows:

The regulations of this chapter shall govern the installation of hazardous process piping in or in conjunction with a building or structure or located upon the premises.

**D. State of Oregon Plumbing Specialty Code-Current Edition.**

1. Enforcement of State Code. The Oregon Plumbing Specialty Code, as adopted by 918-750-0010, is enforced as part of this code.

**E. State of Oregon One and Two Family Dwelling Code-Current Edition.** The Oregon One and Two Family Dwelling Specialty Code, as adopted by OAR 918-600-0005 through 918-600-0110, are enforced as part of this code.

**F. State of Oregon Manufactured Home Installation Standards.**

1. Enforcement of State Rules. These manufactured dwelling rules adopted by OAR 918-500-0000 through 918-500-0500 and OAR 918-520-0010 through 918-520-0020 are enforced as part of this code.

**G. Manufactured Dwelling Parks.**

1. Enforcement of State Rules. These manufactured dwelling park rules adopted by OAR 918-600-000 through 918-650-0095 are enforced as part of this code.

**H. State of Oregon Recreational Park and Organizational Camp Regulations.**

1. Enforcement of State Rules. The recreational park and organizational camp rules adopted by OAR 918-650-0000 through 918-650-0085 are enforced as part of this code. (Ord. 98-12 § 1 (part), 1998.)

**15.04.130 Fees.**

**A.** Fees shall be those fees specifically listed and adopted in the master fees and charges resolution.

**B.** The building official may authorize the refunding of fees paid in accordance with the refund policy in effect in the jurisdiction. The determination of value or valuation under any provisions of this code shall be made by the building official. The value to be used in computing the building permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing



systems and any other permanent equipment.  
(Ord. 98-12 § 1 (part), 1998.)

**15.04.140 Severability.**

If any section, paragraph, subdivision, clause, sentence, or provision of this code shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this code, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which judgment or decree shall be rendered, it being the intent of the governing body to enact the remainder of this code notwithstanding the parts to be declared unconstitutional and invalid. (Ord. 98-12 § 1 (part), 1998.)

**15.04.150 Penalties.**

Any person violating any of the provisions herein for which a special penalty has not been expressly provided shall, upon conviction thereof, be punished by a fine not to exceed one thousand dollars per violation. Each day that a violation exists is a separate offense. (Ord. 98-12 § 1 (part), 1998.)

**Chapter 15.06  
MOBILE HOME PLACEMENT PERMITS**

**15.06.010 Fee schedule.**

**A.** A permit may be issued for the placement of a mobile home upon payment of fees as established by resolution of the city council.

**B.** A four percent surcharge shall be added to the above fees.  
(Ord. 18-93 § 13, 1993; Ord. 1-93 § 9, 1993; Ord. 5-79 § 1, 1979.)

**Chapter 15.08  
DANGEROUS BUILDINGS AND STRUCTURES**

(Ord. 08, 2001)

**15.08.010 Purpose.**

**A.** This Chapter is to provide a method (cumulative with and in addition to any other remed(ies) available to the City by law) whereby buildings or structures which from any cause endanger the life, limb, health, property, safety or welfare of the general public or the building's occupants such that they should be required to be repaired, vacated or demolished.

**B.** This Chapter does not create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms hereof.

**15.08.015 Scope.**

This Chapter shall apply to all “Dangerous Buildings and Structures” as herein defined be they now in existence or which may hereafter become Dangerous Buildings or Dangerous Structures in the City.

**15.08.020 Alternations, additions & repairs.**

All buildings or structures required to be repaired under the provisions of this Chapter shall be subject to the provisions of Section 3403 of the Oregon Structural Specialty Code as it currently exists or may hereafter be amended and adopted by the State.

**15.08.025 Administration.**

The Building Official is hereby authorized to enforce the provisions of this Chapter. The Building Official shall have the power to render interpretations of this Chapter and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this Chapter.

**15.08.030 Inspections.**

The Building Official and others such as the Fire Marshall and Clackamas County Health Department officials are authorized to make such inspections and take such other actions as may be required to enforce the provisions of this Chapter, including (but not limited to) the issuance of stop work or similar abatement orders.

**15.08.035 Right of entry.**

- A. When necessary to make an inspection to enforce the requirements imposed by the terms of this Chapter (or when the Building Official has reasonable cause to believe there exists in a building or upon a premises a condition contrary to or in violation of this Chapter making the building or premises unsafe, dangerous or hazardous) the Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Chapter, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested.
- B. If such building or premises be unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the building or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

**15.08.040 Dangerous buildings declared to be public nuisances; Abatement.**

All buildings or portions thereof determined after inspection by the Building Official to be dangerous as defined in this Chapter are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in this Chapter.

**15.08.045 Violations.**

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Chapter.

#### **15.08.050 Inspections of work.**

All buildings or structures within the scope of this Chapter and all construction or work for which a permit is required shall be subject to inspection by the Building Official consistent with and in the manner provided by this Chapter and Sections 108 and 1701 of the currently adopted Oregon Structural Specialty Code and other relevant provisions of municipal, county or state law.

#### **15.08.055 Definitions.**

For the purpose of this Chapter, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code or the Housing Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's 3rd New International Dictionary of the English Language (Unabridged, copyrighted 1986) shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

- A. **Building Official** is the City's Building Official or such other person as may be designated as such by the Building Official or City Manager.
- B. **Building Code** has the meaning given by the terms of ORS 455.010 to "state building code" and includes all specialty codes as defined in ORS 455.010.
- C. **City** means the City of Sandy, Oregon.
- D. **City Manager** means the Sandy City Manager or their designate.
- E. **Dangerous Building or Dangerous Structure** is any building or structure having one or more of the conditions or defects hereinafter described provided that such condition(s) or defect(s) exist to the extent that the Building Official, City Manager or their designate(s) can reasonably believe the life, health, property or safety of the public or the Building's or Structure's occupants are endangered:
  - 1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
  - 2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
  - 3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the current applicable structural code as defined in ORS Chapter 455 for new buildings of similar structure, purpose or location.
  - 4. Whenever any portion thereof has been damaged by fire, earthquake, wind, and flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such

- catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
  6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.
  7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
  8. Whenever the building or structure, or any portion thereof, because of:
    - i. dilapidation, deterioration or decay;
    - ii. faulty construction;
    - iii. the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;
    - iv. the deterioration, decay or inadequacy of its foundation; or
    - v. any other cause, is likely to partially or completely collapse.
  9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
  10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
  11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
  12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become :
    - i. an attractive nuisance to children;
    - ii. a harbor for vagrants and/or criminals; or
    - iii. a place so as to enable persons to resort thereto for the purpose of committing unlawful acts.
  13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, (as specified in the appropriately adopted Oregon Building Code) or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

**15.08.060 Commencement of proceedings.**

When the Building Official has inspected or caused to be inspected any building and has found and determined that such building is a Dangerous Building, the Building Official or City Manager has the authority to cause commencement of proceedings to effect the repair, vacation or demolition thereof.

**15.08.065 Notice and order.**

The Building Official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

- A. The street address and a description sufficient for identification of the premises upon which the building is located.
- B. A statement that the Building Official has found the building dangerous with a brief factual description of the conditions found to render the building dangerous.
- C. A statement of the action(s) required to be taken by the Building Official:
  1. If the building must be repaired, the notice and order shall require all required permits be secured therefore and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the Building Official shall determine reasonable under all of the circumstances.

2. If the building must be vacated, the order shall require that the building or structure be vacated within a time certain from the date of the order as determined by the Building Official to be reasonable.
  3. If the building or structure is to be demolished, the order shall require that the building be vacated within such time as the Building Official determines reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefore within 30 days of the date of the order; and that the demolition be completed within such time as the Building Official determines reasonable thereafter.
- D.** Statement advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the Building Official:
1. will order the building vacated and posted to prevent further occupancy until the work is completed; and
  2. may proceed to cause the work to be done and charge the costs thereof against the property or its owner.
- E.** Statements advising:
1. that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the Building Official to the Municipal Court provided the appeal is made in writing as provided in this Chapter and filed with the Building Official within 14 days from the date of service of such notice and order; and
  2. that failure to appeal will constitute a waiver of all right to a hearing and determination of the matter.

**15.08.070 Service of notice and order.**

The notice and order (and any amended or supplemental notice and order) shall be served upon the record owner and posted on the property with a copy thereof being served on each of the following (if known to the Building Official or disclosed from official public records):

- A.** the holder of any mortgage or deed of trust or other lien or encumbrance of record;
- B.** the owner or holder of any lease of record; and
- C.** the holder of any other estate or legal interest of record in or to the building or the land on which it is located.

The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

**15.08.075 Method of service.**

Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, to each such person at their address as it appears in the Clackamas County tax records or as otherwise known to the Building Official. If no address of such person appears or is known to the Building Official, then a copy of the notice and order shall be mailed (addressed to such person) at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the

validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

**15.08.080 Proof of service.**

Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the Building Official.

**15.08.085 Repair, vacation and demolition.**

- A. Any building or structure declared a dangerous building or structure under this Chapter shall be made to comply with one of the following:
  - 1. The building or structure shall be repaired in accordance with the current state building code or other current code applicable to the type of substandard conditions requiring repair; or
  - 2. The building or structure shall be demolished consistent with subsection D below.
- B. If the building or structure does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.
- C. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or the building's occupants, it shall be ordered vacated, secured and maintained against entry.
- D. If a building or structure is found to be or becomes dangerous and if (in the opinion of the Building Official) the building or structure is not, under current circumstances likely to be repaired so as to be habitable within 120 days, it may be ordered demolished by the Building Official with the cost thereof borne by the owners. In the event the Building Official determines that a building is to be demolished, the Building Official shall make a written order which includes the circumstances supporting demolition. The order shall be served on all persons entitled to notice under 15.08.070 and is subject to a 21 day appeal consistent with the provisions of 15.08.100.

**15.08.090 Notice to vacate - Posting.**

Every notice to vacate shall, in addition to being served shall be posted at or upon each exit of the building and shall be in substantially the following form:

DO NOT ENTER  
UNSAFE TO OCCUPY  
It is unlawful to occupy this building or to remove or deface this notice.

\_\_\_\_\_  
City Building Official  
City of Sandy, Oregon

**15.08.095 Compliance with notice to vacate.**

- A. Whenever such notice is posted, the Building Official shall include a notification thereof in the notice and order issued under 15.08.065 reciting the emergency and specifying the conditions which necessitate the posting.
- B. No person shall remain in or enter any building which has been so posted except that entry may be made to repair, demolish or remove such building under permit.
- C. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and all lawful requirements been met.

**15.08.100 Form of appeal.**

- A. Any person entitled to service under 15.08.070 may appeal from any notice and order or any action of the Building Official under this Chapter by filing with the Municipal Court a written appeal containing:
  - 1. A heading in the words: "Before the Municipal Court of the City of Sandy, Oregon".
  - 2. A listing of the names of all appellants participating in the appeal along with a brief statement setting forth the legal interest of each appellant in the building or the land involved in the notice and order.
  - 3. A brief statement concerning the basis for the appeal together with any material fact(s) claimed to support those contentions and why the protested order or action should be reversed, modified or otherwise set aside.
  - 4. The signatures of all parties named as appellants and their official mailing addresses.
  - 5. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.
- B. The appeal shall be filed within 14 days of the date of service of the Building Official's order or action; however if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with 15.08.090, such appeal shall be filed not later than 10 days from the date of the service of the notice and order of the Building Official.

**15.08.105 Scheduling appeal for hearing.**

As soon as practicable after receiving the written appeal, the Municipal Court shall fix a date, time and place for the hearing of the appeal. Such date shall not be less than then (10) nor more than sixty (60) days from the date the appeal was filed with the Building Official. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the Court either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

**15.08.110 Effect of failure to appeal.**



Failure of any person to file an appeal in accordance with the provisions of Section 15.08.100 shall constitute a waiver of the right to a hearing and adjudication of the notice and order or any portion thereof.

**15.08.115 Scope of appeal hearing; Stay of order.**

- A. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.
- B. Except for vacation orders made pursuant to Section 15.08.085, enforcement of any notice and order of the Building Official issued under this Chapter shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

**15.08.120 Form of notice of hearing to appellant.**

The notice to the appellant(s) shall be substantially in the following form:

*“You are hereby notified that a hearing will be held before the \_\_\_\_\_ Municipal Court at on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_ at the hour \_\_\_\_\_ upon the notice and order served upon you for alleged violation(s) of Chapter 15.08 (Dangerous Buildings) of the Sandy Municipal Code. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present relevant evidence and will be given full opportunity to -examine all witnesses.”*

**15.08.125 Record.**

A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the court.

**15.08.130 Conduct of hearings**

Hearings need not be conducted according to the technical rules relating to evidence and witnesses. Oral evidence shall be taken on oath or affirmation. Hearsay evidence may be used for the purpose of supplementing or explaining direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in Oregon. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in Oregon. Irrelevant and unduly repetitious evidence shall be excluded.

**15.08.135 Rights of parties.**

The City and the appellant(s) shall be able:

- A. To call and examine witnesses on matters relevant to the issues of the hearing;
- B. To introduce documentary and physical evidence;
- C. To cross-examine opposing witnesses;
- D. To rebut evidence; and
- E. To be represented by anyone lawfully permitted to do so.

**15.08.140 Official notice.**

In reaching a decision, official notice may be taken (either before or after submission of the case for decision) of any fact which may be judicially noticeable by Oregon courts. Parties present at the hearing shall be informed of the matters to be noticed which is to be noted in the record. Parties present at the hearing shall be given a reasonable opportunity to refute the noticed matters by evidence or by written or oral presentation of authority.

**15.08.145 Inspection of the premises.**

The Court may inspect any building or structure involved in an appeal during the course of the hearing provided that: notice of such inspection shall be given the parties before the inspection is made; the parties are given an opportunity to be present during the inspection; and, the judge shall state for the record after said inspection the material facts observed and the conclusions drawn therefrom.

**15.08.150 Form of decision; Judicial review.**

- A. With appeals heard by the Municipal Court, the Court shall within a reasonable time (not to exceed 90 days from the date the hearing is closed) prepare a written decision which shall contain findings of fact, a determination of the issues presented and the requirements, if any, to be complied with. The effective date of the decision shall be as stated therein. A copy of the decision shall be delivered to the City and appellant by regular mail, postage prepaid.
- B. Judicial review of the Court's decision shall be by way of writ of review as provided for in ORS 34.010 to ORS 34.100.

**15.08.155 Enforcement of orders.**

After any order of the Building Official or Municipal Court made pursuant to this Chapter has become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. If, the person to whom such order is directed fails neglects or refuses to comply with said order, the Building Official may take any and all actions deemed by him, in consultation with the City Manager and City Attorney to be appropriate including the filing of supplementary enforcement or compliance action(s) in a court of competent jurisdiction.

**15.08.160 Failure to commence work.**

Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this Chapter becomes effective:

- A. The Building Official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

DANGEROUS BUILDING  
DO NOT OCCUPY

It is unlawful to occupy this building or to remove or deface this notice.  
City Building Official

## City of Sandy, Oregon

- B. No person shall occupy any building which has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the Building Official have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.
- C. The Building Official may in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner provide for the collective of assessment or nuisance liens under state statute or city code. Any surplus realized from the sale of any such building or from the demolition thereof, over and above the cost of demolition, administrative costs and of cleaning the lot shall be paid over to the person or persons lawfully entitled thereto.

### **15.08.165 Interference with repair or demolition work prohibited.**

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this Chapter; or with any person to whom such building has been lawfully sold pursuant to the provisions of this Chapter, whenever such officer, employee, contractor or authorized representative of the City, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this Chapter, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this Chapter.

## **Chapter 15.10**

### **DERELICT BUILDINGS AND STRUCTURES**

#### **15.10.010 Purpose.**

The purpose of this chapter is to establish an enforcement program to address the problem of derelict, abandoned, and vacant buildings or structures within the City in order to protect the public health, safety, and welfare of the community through the required maintenance of unkempt, unsightly, unsafe, unsanitary, and otherwise improperly maintained structures.

The program is intended to protect the City from blight, deterioration, and decay as a result of properties in a condition or state that potentially would have an adverse effect on the value, utility, and habitability of property within the City. In addition to the obvious hazards which these conditions pose to the public health, safety, and welfare, they

specifically cause damage to adjoining and nearby properties. A property which is merely unkempt or vacant for long periods may reduce the value of adjoining and nearby property, and the habitability and economic well-being of the City may be materially and adversely affected.

The goals of this chapter are as follows:

- A. To supplement the City Nuisance Ordinance and further define as public nuisances those conditions which constitute visual blight and which could result in conditions which are harmful or deleterious to the public health, safety and welfare; and
- B. To develop regulations that will promote the sound maintenance of buildings and structures, enhance the livability, community appearance, and the social, economic, and environmental conditions of the community; and
- C. To establish guidelines for the correction of property maintenance violations and nuisances that afford due process and procedural guarantees to affected property owners; and
- D. To support responsible environmental practices with the repair and reuse of existing structures in lieu of demolition of buildings that are able to be repaired.

**15.10.020 Administration.**

- A. Determination of whether a building or property is in violation of this chapter shall be made by the Planning Director (Director), or the Director's designee. The Director should consult with the Building Official, Fire Marshal, Public Health Officer, or any other agency as necessary, before making the determination to bring the matter before the City Council subcommittee.
  - 1. For a violation to have occurred under this chapter, a combination of at least two building maintenance standards specified shall be out of compliance.
  - 2. Prior to proceeding with a notice of violation, the Director's determination shall be reviewed by a City Council subcommittee. If a majority of the subcommittee agrees with the Director's determination, the Director will issue the notice of violation to the owner or person in charge of the property. For the purposes of this chapter, the term "person in charge of property" has the meaning defined in SMC 8.04.010(B).
- B. Buildings or structures determined a nuisance shall be subject to the necessary permits and requirements in accordance with the Oregon Structural Specialty Code. All construction or work for which a permit is required shall be subject to inspection by the Building Official.
- C. The City may take appropriate steps to gain entry into or upon the property to investigate and/or cause the removal of a nuisance.

D. Appeals of the Director's decision shall be made to the City Council within twelve (12) days of the date on the notice of violation. All appeals before the City Council shall be decided within thirty (30) days of the submission of the appeal.

**15.10.030 Exceptions.**

This chapter shall not apply to a building or structure that is actively undergoing construction or repair as indicated by a valid building permit and appearance that the person in charge is progressing diligently to complete the repair or construction. This exception does not apply to requirements relevant to public safety or health concerns.

**15.10.040 Building Maintenance Standards.**

No person in charge of a property shall maintain or permit to be maintained any property

which does not comply with the requirements of this chapter and is deemed to be a nuisance and detrimental to the City. All property shall be maintained to the building code requirements in effect at the time of construction, alteration, or repair, and shall meet the requirements below.

**A. Accessory Structures.**

1. All accessory structures, including sheds, trellises, awnings, fences, and other similar features, shall be maintained structurally safe and sound, and in good repair.
2. Accessory structures shall comply with maintenance standards in Section 15.10.040 B. through H.

**B. Roofs.**

1. The roof shall be structurally sound, tight, and have no defects which might admit rain.
2. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building.
3. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions and shall channel rainwater into approved receivers.

**C. Chimneys and Towers.**

1. All chimneys, cooling towers, smoke stacks, towers, and similar appurtenances / attachments shall be maintained so as to be structurally safe and sound, and in good repair. They shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or back-up of noxious gases. They shall be reasonably plumb.

2. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of the structure must be permanently sealed using approved materials.

#### **D. Foundations and Structural Members.**

1. Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration.
2. The supporting structural members in every structure shall be maintained so as to be structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.

#### **E. Exterior Walls and Exposed Surfaces.**

1. Exterior wall and weather-exposed exterior surface or attachment shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building.
2. Exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, paint, or other approved coating, and be maintained in good condition.
3. Exterior metal surfaces shall be protected from rust and corrosion of an extent that would substantially impair its ability to carry imposed loads.
4. Exterior brick, stone, masonry, or other veneer shall be maintained so as to be structurally sound and be adequately supported and tied back to its supporting structure.
5. Cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
6. Overhang extensions, including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition.

#### **F. Windows.**

1. Each window shall be substantially weather-tight, shall be kept in sound condition and repair for its intended use.

2. Window sash shall be fully supplied with glass window panes or an approved substitute without open cracks and holes.
3. Window sash shall be in good condition and fit weather-tight within its frames.
4. Window frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible and to substantially exclude wind from entering the structure.

**G. Doors.**

1. Exterior doors, including screen doors, cellar doors, and garage doors, door assemblies, and hardware shall be maintained in good condition, be weather-tight, and substantially exclude wind and rain from entering the structure.

**H. Insect and Rodent Harborage.**

1. Every dwelling shall be kept free from insect and rodent infestation, and where insects and rodents are found, they shall be promptly terminated. After extermination, proper precautions shall be taken to prevent re-infestation.

**15.10.050 Vacant buildings.**

In addition to the maintenance standards in Section 15.10.040, the person in charge of a vacant property and/or building shall comply with the following maintenance and security requirements:

- A. The building and/or property shall be secure so that it is not accessible to unauthorized persons, including but not limited to the closure and locking of windows and doors (walk through, sliding, and garage) and any other opening of such size that may allow a child to access the interior of a structure; chaining or padlocking gates, and repairing fencing.
- B. If the person in charge of the property or building is an entity or does not reside within 50 miles of the City limits, the person in charge shall contract with or otherwise engage a person to provide property management to perform inspections to verify that all requirements of this ordinance, enforcement notice, and any other applicable laws are being met.
- C. The property shall be posted with name and 24-hour contact phone number of the owner, person in charge, or a local property management representative. The posting shall be no larger than 18" X 24" and shall contain the words "THIS PROPERTY MANAGED BY . . ." The posting shall be secured to the exterior of the building or placed in a location on the property so it is visible from the street.

**15.10.060 Violation options.**

When an alleged complaint is reported to the Director, the Director shall prepare a

statement of the facts and shall review the facts and circumstances surrounding the alleged complaint. The Director shall not proceed further with the matter if the Director determines that there is not sufficient evidence to support the allegation, or if the City Council subcommittee rules that the nuisance does not exist and is not a violation. If a nuisance is determined to exist by the City Council subcommittee, the Director may enforce this code by any of the following methods:

- A. Abatement by the Owner;
- B. Rehabilitation Procedure;
- C. Citation;
- D. Abatement by the City;
- E. Citation and Abatement;
- F. Other enforcement remedies available at law or at equity.

**15.10.070 Violation notice.**

- A. Upon determination by the Director, and after consultation with the City Council subcommittee, that a nuisance as defined in Chapters 15.10.040 or 15.10.050 exists,  
the Director shall forthwith cause a notice to be posted on the premises where the nuisance exists, directing the owner or person in charge of the property to abate such nuisance.
- B. At the time of posting, the Director shall cause a copy of such notice to be forwarded by registered or certified mail, postage prepaid, to the owner or person in charge of the property at the last known address of such owner or other person.
- C. The notice of violation shall contain:
  - 1. A description of the real property, by street address or otherwise, on which such nuisance exists;
  - 2. A statement explaining the different options for abatement by the owner, including the rehabilitation procedure.
  - 3. A direction to abate the nuisance by the date listed on the notice;
  - 4. A description of the nuisance;
  - 5. A statement that unless such nuisance is removed, the city may abate the nuisance and the cost of abatement shall be a lien against the property;
  - 6. A statement that the owner or other person in charge of the property may appeal to the City Council by filing an appeal with the Director within twelve (12) business days of the date on the notice of violation. The Council, in regular course of business, shall hear and determine the objections of the appeal.
- D. Upon completion of the posting and mailing, the person posting and mailing the notice shall execute and file a certificate stating the date and place of such mailing and posting.
- E. An error in the name or address of the owner or person in charge of the property or



the use of a name other than that of the owner or other person shall not make the notice void and in such a case the posted notice shall be sufficient.

**15.10.080 Procedure for enforcement.**

The following are the general steps that should be conducted in the enforcement of derelict buildings as noted in the City Code. These procedures are intended as a guideline and strict adherence to this process is not required. Time lines may be shortened or lengthened depending on individual circumstances. These procedures do not prevent the use of other methods of enforcement that may be available to the City.

- A. Possible nuisance is identified by staff or through a complaint. Complaints may be made anonymously.
- B. Staff verifies that the nuisance exists and is a violation. Staff identifies property owner, person in charge, and/or person responsible for the violation.
- C. City Council subcommittee evaluates the Director's determination to rule if the nuisance exists and is a violation. If a majority of the subcommittee decides that a nuisance does not exist, then the Director will note that decision for the file and take no further action on the matter.
- D. If a majority of the subcommittee determines a nuisance does exist, the Director shall cause a notice to be posted on the premises where the nuisance exists and send a notice of violation by regular mail to the property owner or others advising of the nuisance, citing code that is in violation, and the options for completing the work. Staff provides the two options for rectifying the nuisance, rehabilitation or abatement.
- E. If the property owner submits a rehabilitation plan then the steps in Section 15.10.100 for Rehabilitation Procedure shall be followed.
- F. If the property owner does not submit a rehabilitation plan then after two weeks, staff verifies if the nuisance still exists. If a nuisance does not exist, the Director will note that fact for the file and take no further action on the matter.
- G. If nuisance persists, a second notice of violation is sent by regular and certified mail with due date of additional two weeks, and advise of possible fines.
- H. After two weeks, staff verifies if nuisance still exists. If nuisance does not exist, the Director will note that fact for the file and take no further action on the matter.
- I. If nuisance still exists, staff issues a citation with a possible fine up to \$500.00 per day, mandatory appearance in Municipal Court, or initiates the abatement process.
- J. Each day the nuisance persists is a separate violation.

K. If nuisance still exists after fines and court, City can abate it and lien the property for all of its costs incurred to abate the nuisance, including but not limited to attorney fees, and/or continue with other methods of enforcement available to the city.

**15.10.090 Abatement by the owner.**

A. On the date listed on the notice to abate the nuisance as contained on the posting and mailing of the notice as provided in Section 15.10.070, the owner or person in charge of the property shall have removed the nuisance or show that no nuisance exists.

B. The owner or person in charge protesting that no nuisance exists shall file with the Director an appeal which shall specify the basis for appeal.

C. The appeal shall be referred to the City Council as a part of the Council's regular agenda at the next succeeding meeting. At the time set for consideration of the appeal, the owner or other person may appear and be heard by the Council, and the Council shall thereupon determine whether or not a nuisance in fact exists and such determination shall be entered in the official minutes of the Council. Council determination shall be required only in those cases where an appeal has been filed as provided.

D. If the Council determines that a nuisance does in fact exist, the owner or other person shall, by a date as specified by the Council determination, abate such nuisance.

**15.10.100 Rehabilitation procedure.**

A. The Director is authorized to permit probation periods alleviating or suspending payment of fees and penalties by any owner who submits a rehabilitation plan, which may required to be prepared by a registered architect or engineer experienced in preservation and rehabilitation of buildings and structures, showing a proposed or scheduled date of completion. Plans shall include an advanced schedule of dates for completion of each portion of work which will be marked off as work progresses.

B. The owner of a plan which is not approved or approved as amended may, upon valid objection, request a review. Such review will be completed with thirty (30) additional days and subject to any further revisions the Director may deem appropriate to make to the plan.

C. If the owner or person in charge of the property objects to the Director's review of the rehabilitation plan, they may file an appeal to the City Council not more that twelve (12) days from the Director's review. The City Council, in regular course of business, shall hear and determine the objections to the review of the rehabilitation plan.

D. An owner may finance such plan through any legitimate private banking or financing corporation, subject to review as to progress or continuing repairs at each three-month period after the plan is approved and until completion, the owner shall be responsible

for submission of a progress report each three months to the Director or designee. If an owner is unable to show satisfactory progress at any three-month interval, the Director, or their designee, is authorized to cancel or discontinue the probation and fees shall be reinstated.

E. A suitable rehabilitation plan shall contain the following:

1. Completed application with fee.
2. Site plan, drawn at an approved engineering scale and including the following:
  - a. Property boundaries and dimensions,
  - b. Primary building and accessory structure locations,
  - c. Exterior facilities and equipment.
3. Demolition plans, if necessary.
4. Building materials and colors boards.
5. Architectural drawings, with scaled dimensions shown to include repair items including, but not limited to the following categories.
  - a. Accessory structures,
  - b. Fencing,
  - c. Awnings and canopies,
  - d. Roofs, gutters, downspouts,
  - e. Chimneys and towers,
  - f. Foundations and structural members,
  - g. Exposed walls, including wood, metal, and brick surfaces,
  - h. Decorative features,
  - i. Signs,
  - j. Stairs and porches,
  - k. Handrails and guardrails
  - l. Windows and window hardware,
  - m. Doors and door hardware.
  - n. Exterior facilities and equipment.
6. Statement of approximate cost for rehabilitation work.
7. Estimated construction timeline.
8. Other information or studies determined to be necessary by the Director.

F. After the rehabilitation plan is approved, the owner shall be required to obtain necessary permits for construction, excavation, demolition or other requirements and to notify the Director when the project is completed within the approved construction timeline.

G. At the end of the rehabilitation work upon notice by owner, an inspection will be made within ten (10) days of notification and additional inspections shall be conducted as necessary to insure property is in compliance. If maintenance by owner is not complied with in accordance with the inspection, the owner shall be notified in writing of the noncompliance and given thirty (30) days in which to wither bring the building or structure back into compliance or give acceptable reason for noncompliance, at which

time an additional period may be given or final notification given that the probation period has eased and fees are to be reinstated against owner.

H. When fifty (50) percent or more of a structure suffers major damage by fire, act of God or other peril while rehabilitation work is in progress, the structure must be repaired to meet the regular rehabilitation and maintenance plan requirements or be demolished. The affected owner shall present an additional plan of proposed reconstruction or request demolition permits. The structure must at all times be fenced or boarded, so as to safeguard the general public against the dangers which may become eminent because of the damaged building or structure. When demolition is requested and approved the cost shall be borne by the owner. No work, demolition, excavation, alteration or improvement shall be undertaken prior to the approval of the plan and proper permits, except where an emergency exists and the safety of the general public is affected. If and when the emergency is designated or declared by the City, all other code sections shall take precedence, in addition to this chapter, to alleviate the emergency.

**15.10.110 Citation.**

Any person violating any of the provisions herein for which a special penalty has not been expressly provided shall, upon conviction thereof, be punished by a fine not to exceed fine hundred dollars (\$500.00) per violation. Each day that a violation exists after due notice has been served shall be deemed a separate offense.

**15.10.120 Abatement.**

A. If, within the time allowed, the nuisance has not been corrected by the owner or person in charge of the property, the council may cause the nuisance to be abated.

B. The officer charged with abatement of such nuisance shall have the right at reasonable times to enter into or upon property to investigate or cause the removal of a nuisance.

C. The Director shall keep an accurate record of the expense incurred by the city in abating the nuisance and shall include therein a charge of twenty (20) percent of the expense for administrative overhead.

**15.10.130 Assessment of abatement costs.**

A. The Director, by registered or certified mail, postage prepaid, shall forward to the owner or person in charge of the property a notice stating:

1. The total cost of abatement, including but not limited the administrative overhead and outside consultant costs or legal fees;
2. That the cost as indicated will be assessed to and become a lien against the property unless paid within thirty (30) days from date of notice;
3. that if the owner or person in charge of the property objects to the cost of the abatement as indicated, they may file a notice of objection with the Director not more than twelve (12) days from the date of notice.

- B. Upon the expiration of twelve (12) days after the date of the notice, the Council, in regular course of business, shall hear and determine the objections to the costs to be assessed.
- C. If the costs of the abatement are not paid within thirty (30) days from the date of the notice, an assessment of the costs as stated or as determined by the Council shall be made by resolution and shall thereupon be entered in the docket of city liens and, upon such entry being made, shall constitute a lien upon the property from which the nuisance was removed or abated.
- D. The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of nine percent per year. Such interest shall accrue from the date of the entry of the lien in the lien docket.
- E. An error in the name of the owner or person in charge of the property shall not void the assessment nor will a failure to receive the notice of the proposed assessment void, but it shall remain a valid lien against the property.

## **Chapter 15.12 MOVEMENT OF BUILDINGS**

### **15.12.010 Permit-Required.**

No person, firm or corporation shall move a building into the city, or from one location in the city to another, without first applying for and receiving a permit from the city recorder as hereinafter set forth, or no person shall use the public streets of the city for the purpose of moving any building or buildings into, along or over the said streets without a permit therefor issued by the city recorder or designated city personnel. Permit shall be obtained at least seventy-two hours prior to moving into, within or through the city. In the case of movement of buildings to sites within the city, the permit may not be issued without prior approval by the design review board. (Ord. 18-80 § 1(A), 1980; Ord. 5-72 § 2, 1973.)

### **15.12.020 Permit-Issuance.**

The city recorder or designated city personnel is authorized to grant and issue a permit to qualified persons possessing adequate equipment for the moving of a building, into, along, or upon any public street in the city as provided in Section 15.12.010, and upon compliance by the applicant with the terms of this chapter, the terms and conditions set forth in the permit, and the terms and conditions that may be established by the design review board. (Ord. 18-80 § 1(B), 1980; Ord. 5-72 § 3, 1973.)

### **15.12.030 Permit-Fee-Bond.**

**A. Moving Through the City.** Before any permit is issued, the applicant shall pay to the city recorder for the use of the city, a fee set forth in subdivisions 1, 2, and 3 of this subsection. In addition, the mover shall furnish a certificate of public liability insurance

with the following coverage limits: twenty thousand dollars property damage, one hundred thousand dollars personal injury for any one person, and three hundred thousand dollars personal injury for any one occurrence. Said certificate shall provide that the mover will be responsible for any injuries or for the death of any person or persons and any damage to any property or any person, and damages to streets, and any other public property owned or maintained by the city, or any other public corporation, or to any other person on account of, or by reason of, any of the operations of the mover while engaged in the moving of any building or structure, including injuries or damages occasioned by the falling or collapsing of, or the weight of, or collision with, any such building or structure. In addition, for buildings or structures which are to be moved to a location within the city, the city recorder shall also require of the owner of the building or structure, a performance bond in the sum of five thousand dollars issued by a surety company authorized to do business within the state, or cash security in such sum, the bond security to be approved by the city attorney and to be filed in the office of the city recorder, and to be conditioned that in the relocation and the reestablishment of any building that is moved, the principal will make and complete such relocation and reestablishment in accordance with the plans and specifications submitted with the application, and in substantial compliance with the regulations and provisions contained in this section or any other ordinance of the city, and in case the principal fails to do so, making complete such relocation and establishment, then the surety upon such bond will be liable to the city in the sum not exceeding five thousand dollars.

1. All buildings up to twelve feet in width will pay twenty-five dollars; twelve to twenty feet in width will pay fifty dollars; twenty feet and over will pay seventy-five dollars.

2. Buildings being moved in sections will be charged the above fee by width plus fifteen dollars for the second section; no building or section of building in excess of twenty feet in width shall be moved through or upon any of the public streets or ways of the city.

3. If buildings are being moved in sections and both sections are being moved at the same time, only the flat rate will be charged.

**B. Moving Buildings into the City.** Such an applicant shall file with the city recorder an application for the proposed moving within city, signed by the owner of the building, or his authorized agent, together with a surety bond satisfactory to the city recorder in such penal sum, conditioned to hold the city harmless from any claim or liability by or because of the issuance of the permit, and for reimbursement and payment to the city, or to any other person, on account of property damage or injury that may be suffered in the moving of any such building. Fees shall be established by the city council by resolution.

**C. Moving Buildings from Sites in the City.** The applicant shall comply with all other requirements of this chapter. In addition, the city recorder shall also require of the owner of the building or structure a performance bond in the sum of five thousand dollars issued by a surety company authorized to do business within the state, or cash security in such sum, the bond security be approved by the city attorney and to be filed in the

office of the city recorder, and to be a condition that after the building or structure is moved from the site in the city, the principal will remove all debris and rubbish from the site and remove all other conditions that might prove an attractive nuisance to children or otherwise violate the city's nuisance ordinance or dangerous building ordinance, and in case the principal fails to do so, then the surety upon such bond will be liable to the city in a sum not to exceed five thousand dollars.

(Ord. 18-93 § 14, 1993; Ord. 23-80 § 1, 1980; Ord. 21-80 § 1, 1980; Ord. 7-73 § 1, 1973; Ord. 5-72 § 4, 1973.)

#### **15.12.040 Notification of property owners-Protests.**

For those applications wherein the house or building or structure is to be moved across the street of the city to and within the city limits, to such application there shall be attached a list of the names and addresses of the owners of all property and the legal description of that property within a district bounded by a line four hundred feet from and parallel to or concentric with the sidelines of the property. The city recorder shall notify the owners of property within said affected district of the proposed moving of the building, and if within ten days protests representing more than twenty-five percent of said property, calculated according to area, are filed with the city recorder, the application shall be denied and such moving shall not be lawful unless the application is submitted to and approved by the city council.

If protest is made by the owners of twenty-five percent or less of the property owners of the affected area, then the city recorder shall issue a permit provided that the terms of Chapter 15.12 and Chapter 15.16 are met and such moving shall be lawful. (Ord. 18-80 § 1(C), 1980; Ord. 5-72 § 5, 1973.)

#### **15.12.050 Waiver of objections-Compliance with state standards.**

As an alternate to approval of property in the adjacent district, the applicant file with his application for such moving a waiver of objections of such moving by owners of not less than ninety percent of the property owners in the affected areas defined in Section 15.12.030. The application with the required signatures shall be presented to the city recorder for checking before any permit is issued. No portion of the original main structure shall be dismantled excepting however, porches and fireplaces, chimneys and roofs.

Before the building inspector may approve the plans, the plumbing and wiring must be inspected and must meet the State Building Code. A detailed set of plans showing the foundations and any changes or additions to the structure must be filed with the building inspector for approval. All construction, including wiring and plumbing must meet the State Building Code. (Ord. 5-72 § 6, 1973.)

#### **15.12.060 Compliance with traffic requirements.**

Any building moved on the streets of the city shall be moved in compliance with the requirements of the chief of police as pertains to the movement of traffic within the city. (Ord. 5-72 § 7, 1973.)

**15.12.070 Compliance with requirements of city recorder.**

The application for permit shall be upon the form required by the city recorder. Waivers of the prescribed property owners within a distance of four hundred feet, exclusive of streets, of the lot to which the building is to be moved, as defined hereinbefore, of this chapter, shall contain the information required by the city recorder. (Ord. 5-72 § 8, 1973.)

**15.12.080 Permit-Revocation.**

Any misstatement or inaccuracy in the application or list of property owners adjoining or waiver, as herein specified, shall be sufficient grounds for the revocation by the city recorder of any permit issued. After such revocation, it shall be unlawful to continue such moving operation. (Ord. 5-72 § 10, 1973.)

**15.12.090 Violation-Penalty.**

Any person, firm or corporation violating any of the provisions of this chapter shall be punished by a fine of not more than five hundred dollars or by imprisonment in the jail for a period of not to exceed six months, or by both such fine and imprisonment. (Ord. 5-72 § 9, 1973.)

**Chapter 15.20  
CURBS, SIDEWALKS AND UNDERGROUND UTILITIES\***

**15.20.010 New construction.**

**A. Curbs, Sidewalks and Half-street Improvements.** No building permit shall be issued for the construction of any new building on any lot which does not have existing curbs, sidewalks and half-street improvements meeting the city standards on all abutting streets to such lots, unless the applicant agrees to construct curbs, sidewalks and half-street improvements to city standards along all such city streets which abut the property described in the building permit in conjunction with the construction activity related to the building permit.

**B. Undergrounding of Utilities.** No building permit shall be issued for construction of any new building on any lot which is not served by underground utilities, unless the applicant agrees to construct equipment and related facilities to accept and receive all underground utility lines which shall serve the building or structure, including but not limited to those required for all electric, communication and cable TV services in conjunction with the construction activity related to the building permit.

**C. Accessory Structures on One and Two Family Dwelling Lots.** Construction of a detached accessory structure, as defined in the Chapter 17.10 of the Sandy Development Code (SDC), and more fully described in Section 17.74.10, B, Items 2 through 10, shall be served with underground power extended from the primary dwelling unit. Construction of a detached accessory structure shall not cause compliance with Section 15.20.020(A) and (B) for the primary dwelling unit unless the proposed



accessory structure has a value in excess of fifty percent of the value of the dwelling before construction of the accessory structure begins.

**D. Accessory Structures on Multi-family, Commercial or Industrial Properties.** Accessory structures, as defined in the Chapter 17.10 of the SDC, shall be served with underground power extended from the primary building. Construction of a detached accessory structure shall not cause compliance with Section 15.20.020(A) and (B) for the primary structure unless the proposed accessory structure has a value in excess of twenty percent of the value of all structures on the lot before construction of the accessory structure begins.  
(Ord. 98-11 § 1 (part), 1998.)

**15.20.020 Remodeling, alterations and additions-One and two family dwellings.**

**A. Curbs, Sidewalks and Half-street Improvements.** No building permit shall be issued for remodeling, alteration or addition to any building or structure when the estimated cost of the remodeling, alteration or addition exceeds fifty percent of the value of the building or structure before such remodeling, alteration or addition is commenced on any lot which does not have existing curbs, sidewalks and half-street improvements meeting the city standards on all abutting streets to such lots, unless the applicant agrees to construct curbs, sidewalks and half-street improvements to city standards along all such city streets which abut the property described in the building permit in conjunction with the construction activity related to the building permit.

**B. Undergrounding of Utilities.** No building permit shall be issued for remodeling, alteration or addition to any building or structure when the estimated cost of the remodeling, alteration or addition exceeds fifty percent of the value of the building or structure before such remodeling, alteration or addition is commenced on any lot which is not served by underground utilities, unless the applicant agrees to construct equipment and related facilities to accept and receive all underground utility lines which shall serve the building or structure, including but not limited to those required for all electric communication and cable TV services in conjunction with the construction activity related to the building permit  
(Ord. 98-11 § 1 (part), 1998.)

**15.20.030 Remodeling, alterations and additions-Multi-family, commercial and industrial development.**

**A. Curbs, Sidewalks and Half-street Improvements.** No building permit shall be issued for remodeling, alteration or addition to any building or structure when the estimated cost of the remodeling, alteration or addition exceeds twenty percent of the value of the building or structure before such remodeling, alteration or addition is commenced on any lot which does not have existing curbs, sidewalks and half-street improvements meeting the city standards on all abutting streets to such lots, unless the applicant agrees to construct curbs, sidewalks and half-street improvements to city standards along all such city streets which abut the property described in the building permit in conjunction with the construction activity related to the building permit.

**B. Undergrounding of Utilities.** No building permit shall be issued for remodeling, alteration or addition to any building or structure when the estimated cost of the remodeling, alteration or addition exceeds twenty percent of the value of the building or structure before such remodeling, alteration or addition is commenced on any lot which is not served by underground utilities, unless the applicant agrees to construct equipment and related facilities to accept and receive all underground utility lines which shall serve the building or structure, including but not limited to those required for all electric, communication and cable TV services in conjunction with the construction activity related to the building permit.

Ord. 98-11 § 1 (part), 1998.)

**15.20.040 Determination of value of existing structure.**

In determining the cost of remodeling and/or additions to existing buildings or structures as such costs relate to the permit requirements of Section 15.20.010 and Section 15.20.040 of this chapter, all costs incurred for improvements of property in the twenty-four month period preceding the application for a building permit shall be included with costs based on one of the following valuations:

**A.** Cost of new construction, based on the International Conference of Building Officials Valuation Table standards adopted by the state of Oregon on file in the building department;

**B.** Based on an appraisal of the property conducted within the past twenty-four months.

The decision as to the value of the existing structure shall be made by the building official. (Ord. 98-11 § 1 (part), 1998.

**15.20.050 Determination of value of remodeling and/or addition.**

**A.** Cost of new construction, based on the International Conference of Building Officials Valuation Table standards adopted by the state of Oregon on file in the building department;

**B.** Total cost of proposed project based on a signed construction contract.

The decision as to the cost of remodeling and/or additions to building or structures shall be made by the building official.

(Ord. 98-11 § 1 (part), 1998.)

**15.20.060 Timing of completion of improvements.**

All improvements listed in Sections 15.20.010 and 15.20.020 shall be installed according to city standards and shall be completed prior to the completion of the final inspection and/or issuance of a certificate of occupancy for the new or remodeled structure or building. In unimproved areas of the city, a time extension may be granted, provided that the applicant provides a performance bond, or other financial guarantee acceptable to the city attorney in an amount equal to one hundred twenty percent of the

cost of such improvements in full at time of permit issuance. (Ord. 98-11 § 1 (part), 1998.)

**15.20.070 Obligation to complete improvements.**

Although an exemption is granted under Sections 15.20.010(C) and (D), 15.20.020 or 15.20.030(A) and (B), the property owners shall continue to be obligated to complete improvements. This obligation shall consist of execution of a waiver of remonstrance to a local improvement district and execution of a deed restriction agreeing to complete improvements, including but not limited, to curbs, sidewalks, sanitary sewer, water, storm sewer or other improvements, which directly benefit the property. This obligation shall include a time limit under which the improvements must be completed upon written request by the city. (Ord. 98-11 § 1 (part), 1998.)

**15.20.080 Forms and recording of documents.**

The form shall be provided by the city and recorded with the property through the Clackamas County recorder's office. The cost of recording shall be assessed to the property owner. (Ord. 98-11 § 1 (part), 1998.)

**15.20.090 Construction standards for curbs, sidewalks and half-street improvements.**

The city standards for such improvements are those contained in city standards for public work improvements for new home construction. (Ord. 98-11 § 1 (part), 1998.)

**15.20.100 Occupancy of structures.**

The building official shall not authorize occupancy, issue certificates of occupancy, or sign off on the final occupancy, until such time as the provisions of this chapter are adhered to. (Ord. 98-11 § 1 (part), 1998.)

**Chapter 15.22**  
**UNDERGROUND UTILITY DISTRICTS**  
(Ord. 07, 2006)

**15.22.010 Definitions.**

Whenever in this Chapter the words or phrases defined in this Chapter are used, they shall have the respective meanings assigned to them in the following definitions:

Commission' shall mean the Public Utilities Commission of the State of Oregon.

Underground utility district' or 'district' shall mean that area in the City within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of this Chapter.

Person' shall mean and include individuals, firms, corporations, and partnerships, and their agents and employees.

'Poles, overhead wires, and associated overhead structures' shall mean poles, towers, supports, wires, conductors, guys, stubs, platforms, cross arms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments, and appurtenances located aboveground within a district and used or useful in supplying electric, communication, or similar or associated service.

Utility' shall include all persons or entities supplying electric, communication, or similar or associated service by means of electrical materials or devices.

#### **15.22.020 Public hearing.**

The City Council may from time to time call public hearings to ascertain whether the public necessity, health, safety, or welfare requires the removal of poles, overhead wires, and associated overhead structures within designated areas of the City and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The City Manager shall notify all affected property owners, as shown on the last equalized assessment roll, and the involved utilities, by mail of the date, time, and place of such hearings at least ten days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard.

#### **15.22.040 Designation of underground utility districts by resolution.**

If, after any such public hearing, the City Council finds that the public necessity, health, safety, or welfare requires such removal and such underground installation within a designated area, the City Council may, by resolution, declare such designated area an underground utility district and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the date by which such removal and underground installation shall be accomplished and within which affected property owners shall be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials, and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby. The decision of the City Council as set forth in the resolution shall be final and conclusive.

#### **15.22.060 Unlawful acts.**

Whenever the City Council creates an underground utility district and orders the removal of poles, overhead wires, and associated overhead structures therein as provided in this Chapter, it shall be unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ, or operate poles, overhead wires, and associated overhead structures in the district after the date when such overhead facilities are required to be removed by such resolution, except as such overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in this Chapter, and for such reasonable time required to remove such facilities after such work has been performed, and except as otherwise provided in Section 15.22.080 herein.

**15.22.080 Emergency or unusual circumstances.**

Notwithstanding the provisions of this Chapter, overhead facilities may be installed and maintained for a period, not to exceed ten days, without authority of the City Manager, in order to provide utilities in the event of an emergency or unusual circumstances. The City Manager may, under such emergency or unusual circumstances, extend or grant special permission, on such terms as the City Manager may deem appropriate, without discrimination as to any person or utility, to erect, construct, install, maintain, use, or operate poles, overhead wires, and associated overhead structures on a temporary or permanent basis. Any such decisions by the City Manager shall be subject to appeal to the City Council by filing a written notice of appeal with the office of the City Manager within 10 business days after the City Manager's decision is mailed.

**15.22.090 Exceptions.**

The provisions of this Chapter and any resolution adopted pursuant to the provisions of this Chapter shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

- A.** Any municipal facilities or equipment installed under the supervision and to the satisfaction of the City Manager;
- B.** Poles or fixtures and other appurtenances used exclusively for street lighting;
- C.** Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, where such wires originate in an area from which poles, overhead wires, and associated overhead structures are not prohibited;
- D.** Poles, overhead wires, and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts;
- E.** Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street;
- F.** Antennae, associated equipment, and supporting structures used by a utility for furnishing communication services;
- G.** Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts; and
- H.** Temporary poles, overhead wires, and associated overhead structures used or to be used in conjunction with construction projects.

**15.22.100 Notices to property owners and utility companies.**

Within ten days after the effective date of a resolution adopted pursuant to this Chapter,

the City Manager shall notify all affected utilities and all persons owning real property within the district created by such resolution of the adoption thereof. The City Manager shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to the applicable rules, regulations, and tariffs of the respective utility or utilities on file with the Commission. Notification by the City Manager shall be made by mailing a copy of the resolution adopted pursuant to this Chapter to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

**15.22.110 Responsibility of utility companies.**

If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to this Chapter, the supplying utility shall, at its cost, furnish that portion of the conduits, conductors, and associated equipment required to be furnished by it under its applicable rules, regulations, and tariffs on file with the Commission.

**15.22.120 Responsibility of property owners.**

**A.** Every person owning, operating, leasing, occupying, or renting a building or structures within a district shall perform construction and provide that portion of the service connection on their property between the facilities referred to in this Chapter and the termination facility on or within such building or structure being served, all in accordance with the applicable rules, regulations, and tariffs of the respective utility or utilities on file with the Commission.

**B.** In the event any person owning, operating, leasing, occupying, or renting such property does not comply with the provisions of this Chapter within the time provided for in the resolution enacted pursuant to this Chapter, the City Manager shall post written notice on the property being served and thirty days thereafter shall have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to such property. A decision by the City Manager to order the disconnection and removal of overhead service shall be subject to appeal to the City Council by filing a written notice of appeal with the office of the City Manager within ten days of the posting of such written notice.

**15.22.130 Responsibility of City.**

The City shall remove, at its own expense, all City-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to this Chapter.

**15.22.140 Extension of time.**

In the event any act required by this Chapter or by a resolution adopted pursuant to this Chapter cannot be performed within the time provided on account of shortage of

materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act shall be accomplished may be extended by the City Manager for a period of time equivalent to the time of such limitation. The City Manager's decision on a request for extension of time shall be final.

**15.22.150 Penalty.**

It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Chapter. Any person violating any provision of this Chapter or failing to comply with any of its requirements shall be guilty of a violation punishable by a fine of not to exceed \$1000. Each day during any portion of which a violation of any of the provisions of this Chapter is committed, continued, or permitted shall constitute a separate offense.

**15.22.160 Severability.**

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have adopted this Chapter and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid.

**Chapter 15.24  
HOUSE NUMBERING**

**15.24.010 Assignment of numbers.**

The city shall be laid out into certain grid systems, and structures within these areas shall be assigned new house numbers as a means of facilitating identification of said structures. (Ord. 10-75 § 1, 1975.)

**15.24.020 Method of furnishing number-Map.**

There shall be on file in the administrative office a map or similar means of furnishing to applicants who reside within the city a house number, and said number is to be the identification for a structure at a certain location on a street. (Ord. 10-75 § 2, 1975.)

**15.24.030 Display.**

New house numbers shall be prominently displayed on all homes and commercial establishments within the city. (Ord. 10-75 § 3, 1975.)

**Chapter 15.28  
SYSTEM DEVELOPMENT FEES**

**15.28.010 Purpose.**

The purpose of the system development charge is to impose a portion of the cost of

capital improvements for water, wastewater, drainage, streets, flood control, and parks and recreation upon those developments that create the need for or increase the demands on capital improvements. (Ord. 10-91 § 2 (part), 1991.)

**15.28.020 Scope.**

The system development charge imposed by this chapter is separate from and in addition to any applicable tax, assessment, charge, or fee otherwise provided by law or imposed as a condition of development. (Ord. 10-91 § 2 (part), 1991.)

**15.28.030 Definitions.**

For purposes of this chapter, the following mean:

1. "Capital improvements" means facilities or assets used for:
  - a. Water supply, treatment and distribution;
  - b. Waste water collection, transmission, treatment and disposal;
  - c. Drainage and flood control;
  - d. Transportation; or
  - e. Parks and recreation.
2. "Development" means a building or mining operation, making a physical change in the use or appearance of a structure or land, dividing land into two or more parcels (including partitions and subdivisions), and creating or termination of a right of access.
3. "Improvement fee" means a fee for costs associated with capital improvements to be constructed after the date the fee is adopted pursuant to this chapter.
4. "Land area" means the area of a parcel of land as measured by projection of the parcel boundaries upon a horizontal plane with the exception of a portion of the parcel within a recorded right-of-way or easement subject to a servitude for a public street or scenic or preservation purpose.
5. "Owner" means the owner or owners of record title or the purchaser or purchasers under a recorded sales agreement, and other persons having an interest of record in the described real property.
6. "Parcel of land" means a lot, parcel, block, or other tract of land that is occupied or may be occupied by a structure or structures or other use, and that includes the yards and other open spaces required under the zoning, subdivision, or other development ordinance.



7. "Qualified public improvement" means a capital improvement that is required as a condition of development approval, identified in the City of Sandy Capital Improvement Plans and either:

a. Not located on or contiguous to property that is the subject of development approval; or

b. Located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related. (Ord. 2007-13 § 1.)

8. "Reimbursement fee" means a fee for costs associated with capital improvements constructed or under construction on the date the fee is adopted pursuant to Section 15.28.040 of this chapter.

9. "System development charge" means a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement, at the time of issuance of a development permit or building permit, or at the time of connection to the capital improvement. "System development charge" includes that portion of a sewer or water system connection charge that is greater than the amount necessary to reimburse the city for its average cost of inspecting and installing connections with water and sewer facilities. "System development charge" does not include fees assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed by a land use decision. (Ord. 10-91 § 2 (part), 1991.)

#### **15.28.040 System development charge established.**

**A.** System development charges shall be established and may be revised by resolution of the council.

**B.** Unless otherwise exempted by the provisions of this chapter or other local or state law, a system development charge is hereby imposed upon all persons who develop parcels of land that connect to or which will otherwise use or create a need for the sewer facilities, storm sewers, water facilities, streets or parks and open spaces of the city.

(Ord. 10-91 § 2 (part), 1991.)

#### **15.28.050 Methodology.**

**A.** The methodology used to establish the reimbursement fee shall consider the cost of then-existing facilities, prior contributions by then-existing users, the value of unused capacity, rate-making principles employed to finance publicly owned capital improvements, and other relevant factors identified by the council. The methodology shall promote the objective that future systems users shall contribute no more than an equitable share of the cost of then-existing facilities.

**B.** The methodology used to establish the improvement fee shall consider the cost of projected capital improvements needed to increase the capacity of the systems to which the fee is related.

**C.** The methodology used to establish the improvement fee or the reimbursement fee, or both, shall be contained in a resolution adopted by the council.  
(Ord. 10-91 § 2 (part), 1991.)

**15.28.060 Authorized expenditures.**

**A.** Reimbursement fees shall be applied only to capital improvements associated with the systems for which the fees are assessed, including expenditures relating to repayment of indebtedness.

**B.**

1. Improvement fees shall be spent only on improvements associated with the systems for which the fees are assessed, including expenditures relating to repayment of indebtedness.

2. A capital improvement being funded wholly or in part from revenues derived from the improvement fee shall be included in the improvement plan adopted by the city pursuant to this chapter.

**C.** Notwithstanding subsections A and B of this section, system development charge revenues may be expended on the direct costs of complying with the provisions of this chapter, including the costs of developing system development charge methodologies and providing an annual accounting of system development charge expenditures.  
(Ord. 10-91 § 2 (part), 1991.)

**15.28.070 Expenditure restrictions.**

**A.** System development charges shall not be expended for costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements.

**B.** System development charges shall not be expended for costs of the operation or routine maintenance of capital improvements.  
(Ord. 10-91 § 2 (part), 1991.)

**15.28.080 Improvement plan.**

The council shall adopt a plan by resolution that:

**A.** Lists the capital improvements that may be funded with improvement fee revenues;

**B.** Lists the estimated cost and time of construction of each improvement; and

**C.** Describes the process for modifying the plan.  
(Ord. 10-91 § 2 (part), 1991.)

**15.28.090 Collection of charge.**

**A.** The system development charge is payable upon issuance of (1) a building permit; (2) a permit to connect to the water system; or (3) a permit to connect to the sewer system.

**B.** If development is commenced or connection is made to the water or sewer systems without an appropriate permit, the system development charge is immediately payable upon the earliest date that a permit was required.

**C.** The public works director shall collect the applicable system development charge when a permit that allows the building or development of a parcel is issued or when a connection to the water or sewer system of the city is made.

**D.** The public works director shall not issue such permit or allow such connection until the charge has been paid in full, or until provision for installment payments has been made pursuant to Section 15.28.110, or unless an exemption is granted pursuant to Section 15.28.120.

(Ord. 10-91 § 2 (part), 1991.)

**15.28.100 Delinquent charges-Hearings.**

**A.** When, for any reason, the system development charge has not been paid, the city manager shall report to the council the amount of the uncollected charge, the description of the real property to which the charge is attributable, the date upon which the charge was due, and the name of the person responsible for the payment of the fee.

**B.** The city council shall schedule a public hearing on the matter and direct that notice of the hearing be given to each owner or person responsible for payment of the fee, with a copy of the city manager's report concerning the unpaid charge. Notice of the hearing shall be given either personally or by certified mail, return receipt requested, or by both personal and mailed notice and by posting notice on the parcel at least ten days before the date set for the hearing.

**C.** At the hearing, the council may accept, reject, or modify the determination of the city manager as set forth in the report.

**D.** The finance director shall report to the city manager the amount of the system development charge, the dates on which the payments are due, the name of the owner, and the description of the parcel.

(Ord. 10-91 § 2 (part), 1991.)

**15.28.110 Installment payment.**

**A.** When a system development charge of twenty-five dollars or more is due and collectible, the owner of the parcel of land subject to the development charge may apply for payment in at least ten semi-annual installments, to include interest on the unpaid balance, in accordance with ORS 223.208.

**B.** The finance director shall provide application forms for installment payments, which shall include a waiver of all rights to contest the validity of the lien, except for the correction of computational errors.

**C.** An applicant for installment payment shall have the burden of demonstrating the applicant's authority to assent to the imposition of a lien on the parcel and that the interest of the applicant is adequate to secure payment of the lien.

**D.** The city finance director shall report to the city manager the amount of the system development charge, the dates on which the payments are due, the name of the owner, and the description of the parcel.

**E.** The city manager shall docket the lien in the lien docket. From that time the city shall have a lien upon the described parcel for the amount of the system development charge, together with interest on the unpaid balance at the rate established by resolution of the council. The lien shall be enforceable in the manner provided in ORS Chapter 223.

(Ord. 10-91 § 2 (part), 1991.)

**15.28.120 Exemptions, reductions and waivers.**

**A.** Structures and uses established and existing on or before July 1, 1991 are exempt from system development charges imposed by this chapter, if the size of the structure or the scope of the use has not increased since July 1, 1991 and if the parcel of land is no larger than it was on July 1, 1991.

**B.** Additions to single-family dwellings that do not constitute the addition of a dwelling unit, as defined by the Oregon Residential Specialty Code or its currently adopted equivalent, are exempt from all portions of the system development charge..

**C.** An alteration, addition, replacement to a structure, an increase in a property's size or change in use on the property that does not increase the parcel's or structure's use of the public improvement facility is exempt from all portions of the system development charge.

**D.** A system development charge shall be imposed when a change of use of a parcel or structure occurs, but credit shall be given for the computed system development charge to the extent that prior structures existed and services were established on or after July 1, 1991. The credit so computed shall not exceed the calculated system development charge. No cash refund shall be made on account of such credit.

**E.** No sanitary sewer or transportation system development charges shall be imposed when only the use of an existing structure of 6,000 square feet Gross Floor Area or less in the C-1 Central Business District zone is changed if such services were established on or after July 1, 1991.

**15.28.130 Credits.**

**A.** A person constructing a qualified public improvement as defined herein shall be eligible for a credit against the applicable system development charge for the type of improvement being constructed. Credit for qualified public improvements defined in subsection 15.28.030(7)(b) may be granted only for the cost of that portion of such improvements that exceeds the City's minimum standard facility size or capacity needed to serve the particular development project or property. No cash refund shall be made on account of such credit. The applicant for a credit has the burden of demonstrating that a particular improvement qualifies for a credit.

**B. 1.** Except as specifically provided in this subsection, credits shall not be transferable from one person or development to another.

2. When the construction of a qualified public improvement gives rise to a credit amount greater than the improvement fee that would otherwise be levied against the project receiving the development approval, the excess credit may be applied against improvement fees that accrue in subsequent phases of the original development project.

**C.** Credit shall not be transferable from one type of capital improvement to another.

**D.** Credits must be used no later than ten years from the date they are issued.

**15.28.140 Segregation and use of revenue.**

**A.** All funds derived from a particular type of system development charge are to be segregated by accounting practices from all other funds of the city. That portion of the system development charge calculated and collected on account of a specific facility system shall be used for no purpose other than those set forth in Section 15.28.060.

**B.** The city manager shall provide the city council with an annual accounting, based on the city's fiscal year, for system development charges showing the total amount of system development charge revenues collected for each type of facility and the projects funded from each account.

(Ord. 10-91 § 2 (part), 1991.)

**15.28.150 Appeal procedure.**

**A.** A person challenging the propriety of an expenditure of system development charge revenues may appeal the decision or the expenditure to the city council by filing a written request with the city manager describing with particularity the decision and the expenditure from which the person appeals. An appeal of an expenditure must be filed within two years of the date of the alleged improper expenditure.

**B.** Appeals of any other decision required or permitted to be made by the city manager under this chapter must be filed within ten days of the date of the decision.

**C.** After providing notice to the appellant, the council shall determine whether the city manager's decision or the expenditure is in accordance with this chapter and the provisions of ORS 223.297 to 233.314 and may affirm, modify, or overrule the decision. If the council determines that there has been an improper expenditure of system development charge revenues, the council shall direct that a sum equal to the misspent amount shall be deposited within one year to the credit of the account or fund from which it was spent.  
(Ord. 10-91 § 2 (part), 1991.)

**15.28.160 Prohibited connection.**

**A.** No person may connect to the water or sewer systems of the city, connect a driveway to a city street, or directly connect to the city's stormwater collection facility unless the appropriate system development charge has been paid or the installment payment method has been applied for and approved.

**B.** Violation of this section constitutes a Class A infraction and subjects the violator to the penalties provided in Chapter 1.18.  
(Ord. 10-91 § 2 (part), 1991.)

**Chapter 15.30**  
**DARK SKY ORDINANCE**  
(Ord. 02, 2011)

**15.30.000 Purpose.**

The purpose of the Sandy Dark Sky Ordinance is to regulate outdoor lighting in order to reduce or prevent light pollution. This means to the extent reasonably possible the reduction or prevention of glare and light trespass, the conservation of energy, and promotion of safety and security. (Ord. 2002-11)

**15.30.010 Definitions.**

The "IES" (Illuminating Engineering Society of North America) Lighting Handbook, most recent edition, the City of Sandy Development Code, and Building Code, shall be used for the definition of terms used in this ordinance but not defined herein. In the case where a definition of a term of this ordinance is found to be in conflict with a definition of a term of any other ordinance, "IES" handbook or regulation, the more restrictive definition will apply.

**Area Light:** Light that produces over 2050 lumens (See Table 2 for Light Output of Various Lamps). Area lights include, but are not limited to, street lights, parking lot lights and yard lights.

**Automatic timing device:** A device that automatically controls the operation of a light fixture or fixtures, circuit or circuits. Photocells and light and or motion sensors shall be considered automatic-timing devices

**Average Foot-candle:** The level of light measured at an average point of illumination between the brightest and darkest areas. The measurement can be made at the ground surface or at four to five feet above the ground.

**Bulb:** The source of electric light. To be distinguished from the whole assembly (See Luminaire).

**Candela (cd):** Unit of luminous intensity.

**Eighty-five (85) Degree Full Cut-Off Type Fixtures:** Fixtures that do not allow light to escape above an 85-degree angle measured from a vertical line from the center of the lamp extended to the ground.

**Exterior Lighting:** Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside are considered exterior lighting for the intent of this Ordinance.

**Fixture:** The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

**Flood Light:** Light that produces up to 1800 lumens (See Addendum 1 for Light Output of Various Lamps) and is designed to "flood" a well-defined area with light. Generally, floodlights produce from 1000 to 1800 lumens.

**Foot-candle:** Illuminance produced on a surface one foot from a uniform point source of one candela. Measured by a light meter.

**Full cutoff fixture:** A fixture which, as installed, gives no emission of light above a horizontal plane.

**Glare:** Intense light that results in discomfort and/or a reduction of visual performance and visibility.

**Holiday Lighting:** Festoon type lights, limited to small individual bulbs on a string, where the output per bulb is no greater than 15 lumens.

**IESNA - Illuminating Engineering Society of North America (IES or IESNA):** The professional society of lighting engineers, including those from manufacturing companies, and others professionally involved in lighting.

**Illuminance:** Density of luminous flux incident on a surface. Unit is foot-candle or lux.  
Illuminating devices:

1. Light fixture types

a. Full cutoff fixture types - A fixture which, as installed, gives no emission of light above a horizontal plane.

b. Floodlights and Spotlights - Fixtures defined as having a full beam width or beam spread of less than 110 degrees.

2. Lamp types

a. Incandescent lamps - Lamps which produce light via an electrically heated metallic filament.

b. Fluorescent lamps - Lamps that use fluorescence of a phosphor to produce visible light.

c. High Intensity Discharge Lamps - Lamps, which produce visible light directly by the electrical heating or excitation of a gas. Examples of such lighting include, but are not limited to, Metal Halide, High Pressure Sodium, Low Pressure Sodium and Mercury Vapor. For purposes of this Ordinance, fluorescent lights are not considered HID lighting.

**Lamp or Bulb:** The light-producing source installed in the socket portion of a luminaire.

**Light Pollution:** Any adverse effect of manmade light including, but not limited to, light trespass, up lighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky. Often used to denote urban sky glow.

**Light trespass:** Light emitted by a luminaire falls where it is not wanted or needed or shines beyond the property on which the luminaire is installed.

**Lighting:** Any or all parts of a luminaire that function to produce light.

**Lumen:** Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One foot-candle is one lumen per square foot. One lux is one lumen per square meter.

**Luminaire:** The complete lighting unit, including the lamp, the fixture, and other parts.

**Luminance:** At a point and in a given direction, the luminous intensity in the given direction produced by an element of the surface surrounding the point divided by the area of the projection of the element on a plane perpendicular to the given direction.



Units: candelas per unit area. The luminance is the perceived brightness that we see, the visual effect of the illuminance, reflected, emitted or transmitted from a surface.

**Measurement:**

1. Lamp output

a. Total output: Measurement of total output is in lumens. This should be understood to be the initial lumen value for the lamp.

b. Illuminance: Measurements of illuminance are expressed in initial lumens per square foot. (A desktop illuminance of twenty (20) initial lumens per square foot is adequate for most purposes.)

In measuring illuminance, the light detector should be pointed directly at the light source or sources. The intervening light path should be free of obstruction.

**Outdoor light fixture:** An outdoor illuminating device, outdoor lighting or reflective surface, luminous tube, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices shall include, but are not limited to lights used for:

- A. parking lot lighting;
- B. roadway lighting;
- C. buildings and structures;
- D. recreational areas;
- E. landscape lighting;
- F. billboards and other signs (advertising or other);
- G. product display area lighting;
- H. building or structure decoration;
- I. building overhangs and open canopies.

**Recessed:** When a light is built into a structure or portion of a structure such that the light is fully cut-off and no part of the light extends or protrudes beyond the underside of a structure or portion of a structure.

**Partially Shielded:** The bulb of the fixture is shielded by a translucent siding and the bulb is not visible at all. Light may be emitted at the horizontal level of the bulb.

**Shielded:** When the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The bulb is not visible with a shielded light fixture, and no light is emitted from the sides of the fixture. Also considered a full cut-off fixture.

**Spotlight or Floodlight:** Any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction (see definition for floodlight).

**Temporary Lighting:** Lighting that is intended to be used for a special event for seven (7) days or less.

**Up lighting:** Lighting that is directed in such a manner as to shine light rays above the horizontal plane.

### **15.30.020 Scope & Applicability.**

New Lighting. All exterior outdoor lighting installed after the effective date of this Chapter in any and all zones in the City shall conform with the requirements established by this Chapter and other applicable ordinances unless otherwise exempted. This ordinance does not apply to indoor lighting.

Existing Lighting. All existing lighting located on a subject property that is part of a land use application or building permit, dependent on the value of the project, shall be brought into conformance with this Ordinance. The value of the project will be determined in accordance with Chapter 15.20.040 and 15.20.050. If the value exceeds the threshold in Chapter 15.20.020 and 15.20.030, all lighting on the property must be brought into full compliance before reoccupation or reuse.

Nonconforming Uses or Structures. If a nonconforming use or structure has been abandoned for more than twelve months all lighting on the property must be brought into full compliance before reoccupation or reuse.

Conformity shall occur prior to issuance of Certificate of Occupancy, Final Inspection, or Final Plat Recordation, when applicable. For other permits, the applicant shall have a maximum of thirty days from date of permit issuance to bring the lighting into conformance.

Preferred Source - Low-pressure Sodium (LPS) lamps are the preferred illumination source throughout the city and their use is encouraged.

When an existing fixture is replaced, the replacement fixture shall meet the requirements of this chapter.

Architectural design, site planning, landscaping and lighting may be further restricted elsewhere in the Sandy Municipal Code.

All governmental agencies, federal, state or county, which operate within the city limits of Sandy - should experience no difficulty meeting the requirements of this ordinance and are encouraged by the city to comply with its provisions.

In the event of a conflict with any other chapter of the Sandy Municipal Code, the more stringent requirement shall apply.

**15.30.030 Exemptions & Exceptions.**

**A** Residential fixtures consisting of lamp types of 2050 lumens and below (the acceptability of a particular light is decided by its lumen output, not wattage. Check manufacturer's specifications). Examples include:

100 Watt Standard Incandescent and less

100 Watt Midbreak Tungsten-Halogen (quartz) and less

25 Watt T-12 Cool White Fluorescent and less

18 Watt Low Pressure Sodium and less

**B.** Federally funded and state funded roadway construction projects, are exempted from the requirements of this division only to the extent it is necessary to comply with federal and state requirements.

**C.** Fossil Fuel Light. Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels is exempt from the provisions of this article.

**D.** Full cutoff street lighting, which is part of a federal, state, or municipal installation.

**E.** Holiday lighting.

**F.** Lighting of sports facilities or stadiums prior to 11:00 p.m. Illumination after 11:00 p.m. is also permitted if it is necessary in order to conclude a recreational, sporting or other scheduled activity, which is in progress prior to that time.

**G.** Specialized lighting necessary for safety, such as navigated or runway lighting of airports, or temporary lighting associated with emergency operations, road hazard warnings, etc.

**H.** Traffic control signals and devices.

**15.30.040 Approved Materials and Methods of Installation.**

The provisions of this chapter are not intended to prevent the use of any design, material or method of installation or operation not specifically prohibited by this chapter, provided such alternative design, material or method conforms with the intent of this division and has been approved by the building official.

**The Building Official administrator may approve an alternative design provided he finds that:**

**A.** It complies with the applicable specific requirements of this division; or

**B.** It has been designed or approved by a registered professional engineer and complies with the purpose of this division.

**15.30.050 Submittals.**

All applications for building permits or land use planning review which include installation of outdoor lighting fixtures shall include lighting plans conforming to the provisions of this Ordinance. The Planning Director and/or Building Official shall have the authority to request additional information in order to achieve the purposes of this Ordinance.

**A.** The submittal shall contain the following information and submitted as part of the site plan to the Planning and Building departments for approval.

1. Plans indicating the location, type, intensity, and height of luminaries including both building and ground-mounted fixtures;

2. A description of the luminaries, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;

3. Photometric data, such as that furnished by the manufacturer, showing the angle of light emission and the foot-candles on the ground; and

4. Additional information as may be required by the city in order to determine compliance with this Ordinance.

**B.** Applications for single/multi-family residential or other projects where any single outdoor light fixture exceeds (2050 lumens output) shall be required to comply with paragraph A above.

**15.30.060 General Standards.**

The following general standards shall apply to all outdoor lighting installed after the effective date of this ordinance, which is not exempted above:

**A. Area Lights:** All area lights, including street lights and parking area lighting, shall be full cut-off fixtures and are encouraged to be eighty-five (85) degree full cut-off type fixtures. Street lights shall be high-pressure sodium, low-pressure sodium, or metal halide, unless otherwise determined by the city that another type is more efficient. Street lights along residential streets shall be limited to a 70-watt high-pressure sodium (hps) light. Street lights along nonresidential streets or at intersections shall be limited to 100 watts hps, except that lights at major intersections on state highways shall be limited to 200 watts hps. If the city permits a light type other than high-pressure sodium, then the equivalent output shall be the limit for the other light type.

**B. Canopy Lights:** All lighting shall be recessed sufficiently so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property.

**C. Illumination Levels:** Illumination levels and uniformity shall be in accordance with current recommended practices of the Illuminating Engineering Society. Recommended standards of the illuminating engineering society shall not be exceeded.

**D.** All outdoor lighting systems shall be designed and operated so that the area 10 feet beyond the property line of the premises receives no more than .25 (one quarter) of a foot-candle of light from the premises lighting system.

**E. Temporary Lighting:** Temporary lighting that conforms to the requirements of this Ordinance shall be allowed. Nonconforming temporary exterior lighting may be permitted by the Building Official only after considering 1) the public and/or private benefits which will result from the temporary lighting; 2) any annoyance or safety problems that may result from the use of the temporary lighting; and, 3) the duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Building Official.

**F. Towers:** All radio, communication, and navigation towers that require lights shall have dual lighting capabilities. For daytime, the white strobe light may be used, and for nighttime, only red lights shall be used.

**15.30.070 Non –Permitted Lighting.**

**A.** Newly installed fixtures, which are not full-cutoff fixtures.

**B.** Lighting which presents a clear hazard to motorists, cyclists, or pedestrians.

**C.** Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

**15.30.080 Appeals.**

If an application is denied, an individual shall have the right of appeal to the City Council. The fee for an appeal shall be the same as a Type III review (Section 2-Master Fee Resolution).

**15.30.090 Violations.**

This section may be enforced on the basis of a formal complaint filed in writing with the city.

**15.30.100 Penalties.**

See Section 1.16.010 of the Sandy Municipal Code.

**15.30.110 Severability.**

The provisions of this ordinance are severable and if any paragraph, section, subsection, or part of this ordinance is held to be invalid, unenforceable,

unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair the remainder of this ordinance.

**TABLE 1: CODE REQUIREMENTS TABLES FOR SHIELDING**

<b>Lamp Type</b>	<b>25</b>	<b>30</b>	<b>35</b>	<b>40</b>	<b>50</b>	<b>60</b>	<b>75</b>	<b>100</b>	<b>110 or More</b>
Low Pressure Sodium	Unshielded	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed
High Pressure Sodium	Unshielded	Unshielded	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield
Metal Halide	Unshielded	Unshielded	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield
Fluorescent	Unshielded	Unshielded	Unshielded	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield
Quartz	Unshielded	Unshielded	Unshielded	Unshielded	Unshielded	Directed Shield	Directed Shield	Directed Shield	Directed Shield
Tungsten Halogen	Unshielded	Unshielded	Unshielded	Unshielded	Unshielded	Directed Shield	Directed Shield	Directed Shield	Directed Shield
Mercury Vapor	Unshielded	Unshielded	Unshielded	Unshielded	Unshielded				
Incandescent	Unshielded	Unshielded	Unshielded	Unshielded	Unshielded	Unshielded	Unshielded	Unshielded	Unshielded

**1. For the purpose of this section wattage ratings for lamp types will be for either a single lamp source or multiple lamp sources when installed in a cluster.**

**2. Lamp types not listed in the table may be approved for use by the building official providing installation of these lamps conforms to the lumen limits established in this section.**

**3. Glass tubes filled with argon, neon or krypton do not require shielding**

**Table 2: TYPICAL LUMEN VALUES FOR VARIOUS LAMP WATTAGE**

Wattage	Low pressure Sodium	High Pressure Sodium	Metal Halide	Fluorescent	Quartz	Mercury Vapor	Incandescent
9				600			
18	1,800						
35	4,725	2,250					
40		4,000		2,250			480
50	7,925						
60							870
70		5,800	5,500				
75						2,800	1,190
90	14,400						
100		9,500	8,00			4,300	1,750
110				6,600			
150		16,000					2,850
175			14,000			8,600	
200		22,000					4,010
250		27,500	20,500			12,100	
300							6,360
400		50,000	36,000			22,500	
500							10,850

Taken from data supplied by Portland General Electric - Energy Resource Center

**Chapter 15.32  
SIGNS**

(Ord. 08, 2007; Amended by Ord. 04, 2010; Ord. 11, 2011.)

**15.32.010 Purpose and policy.**

The sign regulations are intended to serve the community by:

**A.** Requiring sound construction, by requiring that signs be maintained, and by limiting the number of visual images to be communicated;

**B.** Providing an equitable opportunity to use signs outside of public rights-of-way as a communication medium;

- C.** Providing standards for frequency, location, size, construction, type and number of signs;
- D.** Providing reasonable limits on the magnitude and extent of graphic communication presented to the public; and
- E.** Regulating the location and quantity of temporary signs, and the circumstances under which they may be used and encourage all businesses to utilize permanent signs to the maximum extent possible and not rely on temporary signs for advertising needs; and
- F.** Expressing elements of or reflecting Cascadian architecture by adapting elements of the Sandy Style into new signs.

**15.32.020 Signs permitted only in commercial & industrial zones**

Permits are required for these signs.

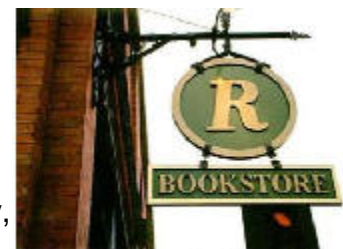
**A. Sign Lighting.** Backlit (i.e., internally illuminated) signs are prohibited in the C-1 zone. Panels for existing backlit signs in the C-1 zone may be replaced as long as the new panel provides light lettering and/or graphics on a dark background (see sample photo).



**B. Wall signs.**

1. Sign size (area): Up to 10% of the gross wall area of each wall, including windows. Businesses with less than 250 ft<sup>2</sup> of wall area may have a 25 ft<sup>2</sup> sign. A building with frontage on two or more streets shall be permitted wall signs on each frontage.
2. Maximum area: 200 ft<sup>2</sup> in the C-1 zoning district; no limit other zones.
3. Multiple uses: the permitted sign area for uses located on the same site or within the same building may be divided among the uses. Separate wall signs or a joint-use wall sign may be erected, provided that the maximum allowable sign area is not exceeded.
4. Maximum sign projection: 18 inches.

**C. Projecting signs.** A "projecting sign" is a sign attached to and projecting out from a building face or wall and generally at right angles to the building. Projecting signs include signs projecting totally in the right-of-way, partially in the right-of-way, and fully on private property.



Sample Projecting Sign

1. Maximum area on one sign face: 32 ft<sup>2</sup>.



- 2. Height: shall not exceed the height of the structure.
- 3. Clearance: 8 feet above pedestrian walkways; 15 feet above vehicular driveways and public rights-of-way. Clearance is measured from the highest point of the grade below the sign to the lowermost point of the sign.
- 4. Projection distance: no more than 8 feet from the building, or two-thirds the width of the sidewalk, whichever is less. In any case, the sign shall not project within 2 feet of the curb.

5. Hanging signs under awnings are encouraged, as long as the above clearances are met.



Sample Hanging Sign

6. Marquee, canopy and awning signs are permitted and must comply with the State Structural Specialty Code and city regulations.

- a) Marquee signs may be placed on or incorporated into these structures provided they do not extend above the upper surfaces of the structure. "Marquee sign" means a sign incorporated into, erected or maintained under, supported by or attached to a marquee or permanent canopy. "Marquee" means a permanent roof-like or roofed structure attached to, supported by and projecting outward from a building over the entrance to a theater, hotel, etc.
- b) As used here, "awning" means a movable shelter supported entirely from the exterior wall of a building extending over a doorway or window and providing shelter from the rain or sun. When signs are incorporated into awnings the entire panel containing the sign is counted as sign face unless it is clear that part of the panel contains no related display or decoration. Awning signs are considered as wall signs for calculation of the maximum permitted area

**D. Individual business--freestanding signs.** A freestanding sign is a sign on a frame, pole or other support structure which is not attached to any building. A monument sign is a type of freestanding sign.

1. Allowed only for businesses with at least 50 lineal feet of public street frontage, and not part of an integrated business center.

2. Maximum area on one sign face: 32 ft<sup>2</sup> in the C-1 district. Other districts: 1 ft<sup>2</sup> per lineal foot of site frontage, up to 100 ft<sup>2</sup>.

3. Maximum height: 20 feet in the C-1 district, 30 feet in C-2 and industrial districts. Freestanding signs in C-3 (village commercial) districts are limited to monument signs with a maximum height of 8 feet.

4. Extra sign area for large frontages (does not apply to C-1 and C-3 districts):

a) The sign area may be increased .25 ft<sup>2</sup> for additional lineal foot frontage over 300 feet with a maximum of 150 ft<sup>2</sup> of area; or

b) One additional free-standing sign may be installed through a Type II Design Review process. The sign area for the additional sign is up to 1 ft<sup>2</sup> per foot of frontage over 300, to a maximum of 100 ft<sup>2</sup>.

5. Corner signs: signs facing more than one street shall be assigned to a frontage (for area calculations) by the applicant.

6. Multiple frontages: Businesses which are not on a corner, with frontage on two or more streets, shall be permitted the use of a freestanding sign on each frontage.

7. Individual Business Pad Location. A business located on the same lot as two or more commercial businesses, but designed as a separate structure at an intersection of two streets is permitted one free standing sign. Size shall be calculated using the individual business standards, above.

8. Design Standards: All new freestanding signs related to buildings that require conformance with the Sandy Style Design Standards of Chapter 17.90 shall comply with the following design standards:

a) Strong base material such as natural stone (e.g., basalt, granite, river stone), split face rusticated concrete block or brick. Cultured stone may be allowed if it has a stone texture and is similar in appearance and durability to natural stone. A



sign's base must extend at least 36 inches above the adjacent finished grade and wrap around all sides of the sign base.

- b) Rectangular-shaped signs shall provide a metal or wood (or material having the appearance of metal or wood) frame a minimum of three inches wide around all sides of the sign area.
- c) Exception: New freestanding signs in the C-1 Zoning District and located within the Downtown Exception areas (as identified in Chapter 17.90.10(F)) are exempt from these design standards and shall complement the architectural design of the building from which the sign is related.

#### **E. Integrated business center.**

1. A master sign shall be required for two or more commercial businesses sharing a street access or located on the same parcel, shopping or business center.

2. Permitted additional sign area: 40 ft<sup>2</sup> (not calculated in maximum sign area).

3. Maximum sign area: 1 ft<sup>2</sup> of area for each lineal foot of frontage, up to 100 ft<sup>2</sup> (C-1 district), 200 ft<sup>2</sup> other districts.

4. Maximum height: 20 feet in the C-1 district and 30 feet in the C-2 and industrial districts. Integrated business center signs in the C-3 district are limited to monument signs of no more than 12 feet high. (Amended by Ord. 2005-11)

5. Extra sign area for large frontages: for businesses centers with frontage exceeding 300 feet, additional signs may be permitted at each driveway through a Type II Design Review process, provided that the signs do not exceed 75 ft<sup>2</sup> in the C-1 district, 150 ft<sup>2</sup> other districts.

6. Design Standards: All new integrated business center signs related to buildings that require conformance with the Sandy Style Design Standards of Chapter 17.90 shall comply with the following design standards:

- a) Strong base material such as natural stone (e.g., basalt, granite, river stone), split face rusticated concrete block or brick. Cultured stone may be allowed if it has a stone texture and is similar in appearance and durability to natural stone. A sign's base must extend at least 36 inches above the adjacent finished grade and wrap around all sides of the sign base.
- b) Rectangular-shaped signs shall provide a metal or wood (or material having the appearance of metal or wood) frame a minimum of three inches wide around all sides of the sign area.
- c) Exception: New integrated business center signs in the C-1 Zoning District and located within the Downtown Exception areas (as identified in Chapter 17.90.10(F)) shall compliment the architectural design of the building from which the sign is related.

## **F. A-frame signs.**

1. A-Frame signs are permitted as portable permanent signs.
2. Design Review. Prior to issuing a permit for an A-Frame sign, the sign design must be reviewed and approved by a design review committee appointed by the City Council, according to criteria and procedures established by the committee.
3. Dimensions: The sign area shall not exceed six square feet measured at the outside edge of the sign structure. The top of the sign shall be no more than 4 feet from the ground (including feet and hinge mechanism).
4. Quantity: no more than one sign per business or property. Properties with multiple businesses are permitted one sign per separate business entity
5. Location:
  - a) Signs must not obstruct vehicle sight clearances or be placed so as to obscure permanent signs. Signs placed on or near sidewalks must maintain at least 4 feet unobstructed sidewalk width.
  - b) Signs may be located at a different location than the business location of the owner of the sign if the sign owner submits a consent form allowing such a sign signed by the business or property owner where the sign will be located.
6. Time period: may be displayed only during hours that the business is open to the public, and shall be promptly removed from public display when the business is closed.

**G. Searchlights** may be used by any business or enterprise once yearly for a maximum period of two consecutive days. "Searchlights" means an apparatus on a swivel that projects a strong, far-reaching beam of light.

**H. Electronic Message Signs.** Any permanent sign that incorporates an electronic message sign shall be subject to the following limitations:

1. The sign shall contain static messages only. The message may be changed through dissolve or fade transitions, but may not otherwise have movement, or the appearance or optical illusion of movement or varying light intensity. The image on the electronic message sign shall remain static for at least one hour.
2. The sign shall have automatic dimmer software or solar sensors to control brightness for nighttime viewing. The intensity of the light source shall not produce glare, and lighting from the message module shall not exceed 600 nits (candelas per square meter) between dusk to dawn as measured from the sign's face. Applications for sign permits containing an electronic display shall include the manufacturer's specifications and nit (candela per square meter) rating. The City shall have the right to enter the

property to view the programmed specifications of the sign to determine compliance with this provision.

3. An electronic message sign placed inside a window is subject to the provisions of this section when it is visible from a public right-of-way.

4. Any existing sign permitted to incorporate a new electronic message sign shall be brought into compliance with all other applicable provisions of this chapter including but not limited to sign height, size, and design.

**I. Temporary Signs.** Temporary signs are allowed in addition to any permanent sign permitted under this chapter, except as otherwise stated below.

1. Number. One freestanding or on-building temporary sign is allowed per business, except that integrated business centers are allowed one freestanding temporary sign for each permanent freestanding sign that exists on the property. Banners on permanent freestanding signs are considered freestanding temporary signs.

2. Height. The maximum height of a freestanding temporary sign is six feet. No on-building temporary sign may extend above the roofline of the building on which it is located.

3. Area. The maximum area of a temporary sign is 32 square feet.

4. Anchoring. Temporary signs must be situated in a manner that prevents the sign from being blown from its location, while allowing the prompt removal of the sign.

5. Duration. A temporary sign may only be displayed for 180 days total in any calendar year for each lot, parcel, or business, or until the event associated with the sign has ended, whichever is earlier. This duration limit begins the first day the temporary sign is used and runs for 180 consecutive days, regardless of whether the temporary sign is removed during this period. A business may not display a banner for more than 60 consecutive days out of 90 days (i.e. a business must be free of any temporary banners for at least 30 consecutive days out of 90 days).

#### **15.32.030 Signs allowed in residential zones--permits required**

**A.** One permanent sign is allowed for each parcel or lot zoned residential.

**B.** The sign must be located flat against the dwelling, or located no further than four feet from a residence's footprint.

**C.** The maximum area of a permanent sign in a residential district is two square feet.

**D.** Multifamily or residential subdivision standards.

1. Area: The maximum area of a multifamily or subdivision sign is 32 square feet.

2. Number and type: One freestanding sign is allowed for a subdivision development or a multifamily complex, even if more than one tax lot or ownership is included in the development, except as follows:

a) If a development has more than one access point, one additional sign may be located at a major public access point located on a different public road.

b) In the case of (a) above, neither sign may exceed 32 square feet in area.

c) Individual properties within a subdivision are allowed a sign in accordance with subsections (A) through (C) above.

d) Height. The maximum height of a multifamily or subdivision sign is five feet.

E. Commercial and Institutional Uses within Residential Zones.

1. Number. Only one sign is allowed for a development or complex, even if more than one tax lot or ownership is included in the development, except that if a development has more than one access point, one additional sign may be located at a major public access point located on a different public road.

2. Type. The sign may be freestanding or on-building.

3. Area. The maximum sign face area is 32 square feet.

4. The maximum height for a freestanding sign is five feet.

5. Reader board signs may be incorporated in a freestanding or on-building sign, subject to the limits in 15.32.020(G).

### **15.32.032 Signs allowed in residential zones exempt from permits but subject to regulation.**

**A. Temporary Signs.** Temporary signs are allowed in addition to any permanent sign permitted under this chapter, except as otherwise stated below.

1. Number. A residentially zoned lot or parcel may have two temporary signs (freestanding or on-building), so long as the total combined area of the two signs does not exceed 16 square feet. Additional temporary signs not exceeding six square feet each are permitted if erected not more than 45 days prior to an election and removed within five days following the election; except that one such sign may be up to sixteen square feet in area.

3. Height. The maximum height of a freestanding temporary sign is six feet. No on-building temporary sign may extend above the roofline of the building on which it is located.

4. Area. The maximum area of a temporary sign in a residential zone is 16 square feet.

5. Anchoring. Temporary signs must be situated in a manner that prevents the sign from being blown from its location, while allowing the prompt removal of the sign.

6. Duration. A temporary sign may only be displayed for 180 days total in any calendar year for each lot, parcel, or business, or until the event associated with the sign has ended, whichever is earlier.

#### 7. A-Frame Signs.

A. Portable A-frame signs are considered to be temporary signs for purposes of this section. The height of an A-frame sign is limited to three feet and the area to six square feet.

B. The city shall have available a reasonable supply of professionally-made garage sale signs that can be rented by individuals. In addition, the city may secure a deposit to recover the cost of replacing the sign in the event of damage or loss.

**15.32.035 Community-wide event signs.** Special signs, including but not limited to banners, flags, wind-activated devices, streamers, balloons, pennants, posters, etc., as approved by the city council may be permitted:

1. The applicant must submit a written request, specifying the time period for display of signs, type of event, types of advertising/display material and proposed locations of display materials;

2. Time limits: twenty-one days prior to the event and removal within seven days following the event;

#### **15.32.040 Signs allowed in all zones exempt from permits but subject to regulation.**

The following signs are exempt from permits but are subject to regulation as listed below:

##### **A. Banners on Light Poles in Private Parking Lots (Commercial/Industrial Zones).**

1. Number. Only one banner per pole.

2. Size. No larger than 30 inches wide and 60 inches tall.

3. Materials. Limited to materials that appear like canvas or fabric; no reflective vinyl.

**B. Signs Held by People**

A sign held by a person in or adjacent to a pedestrian right-of-way, whether or not the individual is in costume, is permitted as long as the person holds the sign.

**15.32.050 Signs permitted in all districts - exempt from permits.**

The following signs and operations are exempt from one or more of the requirements of this chapter but shall comply with all other applicable provisions. Limitations, if any, are noted below.

**A.** Signs erected in the public right-of-way by the city, Clackamas County, the state of Oregon, the U.S. Government, a public utility, or an agent including:

1. Street identification signs,
2. Traffic control, safety, warning, hazard, construction, and related signs;

**B.** One official national, state and local government flag or banner per property when installed in a manner that meets city ordinances and when flown and maintained as specified by the U.S. Flag Code, are exempt from the provisions of these regulations.

The flag structure should not exceed twenty feet or one hundred ten percent of the maximum height of the primary structure on the property, whichever is greater. All structures over ten feet in height require a building permit and an inspection of the footing and structure, as per the Oregon State Structural Specialty Code, prior to installation of the structure;

**C.** Signs required by city ordinance, county ordinance or state or federal law are exempt from the provisions of these regulations. Examples include address numbers, street names, public notices, restaurant health inspection ratings, handicapped access signs and civil defense shelter signs;

**D.** Signs erected for the convenience of the public identifying rest rooms, entrances, public telephones, walkways, directional or information signs, including menu boards, located wholly within the site;

**E.** Signs located on private property that are not visible from a public street or right-of-way unless the department deems that the continuation of such a sign constitutes a serious and immediate danger to public safety and welfare;

**F.** Historical markers erected and maintained by a public authority or recognized historical society or organization identifying sites, buildings or structures of recognized historical value ;



**G.** Memorial signs or tablets, historical markers, signs cut into the surface or the facade of the building, or when projecting not more than two inches;

**H.** Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, which signs are designed and located to be viewed exclusively by patrons of such use or uses;

**I.** Painted wall decorations and wall graphics ("painted wall decorations" means murals or displays painted or placed directly onto a wall or fence and containing no copy, advertising symbols, lettering, trademarks designed and intended as a decorative or ornamental feature);

**J.** Signs, decorations and displays inside of windows or attached to the inside of windows, provided that the sign or display in a window does not exceed 100 ft<sup>2</sup>. Window signs larger than 100 ft<sup>2</sup> are regulated as wall signs.

#### **15.32.060 Nonconforming signs.**

**A.** The following shall be considered nonconforming signs:

1. Signs that already existed when these regulations were adopted, have an approved county or state sign permit, and which do not conform to the provisions of these sign regulations;

2. Signs on lands annexed to the city and having an approved county or state sign permit.

3. Exception: Panels on existing nonconforming backlit signs in the C-1 zone may be changed according to the provisions of Paragraph 15.32.020.A.

**B.** Nonconforming signs shall be removed or shall be altered to conform to the provisions of this chapter when:

1. The nature of the business conducted on the premises changes and the sign is changed or modified either in shape, size or legend; or

2. When the name of the business changes and the sign is changed or modified either in shape, size or legend.

**C.** Nonconforming signs advertising a business or other use which has discontinued operation within the building, on the lot or in the development shall be deemed abandoned and shall be removed within one hundred twenty days of the time the business or use is discontinued, unless a new occupancy permit is issued for a new use.

**D.** All temporary signs in existence which do not conform to the provisions of this chapter shall be removed or made to conform within thirty days of the passage of the ordinance codified in this chapter.

**E.** Signs located on property which is annexed to the city shall have sixty days in which to be removed or made to conform to the provisions of this chapter.

**F.** If a nonconforming sign is abandoned, the property owner of record, as shown on the tax roll of Clackamas County, shall be notified via certified mail (return receipt requested) from the department directing that it be removed within sixty days. Following notice by the building official, if the abandoned sign has not been removed, the building official shall cause the sign to be removed. The cost of removal shall be entered by the city recorder on the docket of city liens against the property owner, and shall be collectible in the same manner as liens for public improvements. For purposes of this section, "Abandoned sign" means a structure designed for, but not containing, a sign for one hundred twenty continuous days.

**15.32.070 General construction and maintenance requirements.**

**A.** Each sign shall be constructed, erected and maintained to meet the requirements of the Oregon Structural Specialty Code, National Electrical Code and Oregon Mechanical Code. In addition, all illuminated signs shall be subject to the provisions of the Underwriters' Standard, as defined in Underwriters' Laboratories, "Standards For Safety, Electric Signs." All signs manufactured in Canada also shall comply with the standards on the Canadian Standard Association (CAS). For purposes of this section, "illuminated sign" means any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as part of the sign property.

**B.** All signs and component parts shall be kept in good repair and maintained in a safe, neat, clean and attractive condition.

**C.** The regulations establish standards for allowable area, location, types and activities permitted upon and uses in conjunction with all signs and other advertising structures within the city. All sign permits issued and signs erected after the effective date of the ordinance codified in this chapter shall conform to the standards of these sections.

**D.** Location. All signs, unless specifically authorized by this code or the State Structural Specialty Code shall be located entirely within the boundaries of the property.

**E.** Lighted Signs in all districts:

1. Signs may be indirectly, internally or directly illuminated unless otherwise restricted in this chapter. Indirect lighting shall be screened from view by ground surface, evergreen landscape screening or ornamental features of the sign structure. Braces and struts which support indirect lighting from the top or sides of the sign are prohibited.

a "Direct" lighting means exposed lighting or neon tubes on the sign face.

b. "Indirect" lighting means the light source is separate from the sign face or cabinet and is directed so as to shine on the sign.

c. "Internal" lighting means the light source is concealed within the sign.

2. A lighted sign visible to and located within one hundred feet of a residential zoning district shall be turned off from ten p.m. to sunrise.

3. Exposed incandescent bulbs may be used on the exterior surface of a sign if each of such bulbs do not exceed twenty-five watts or unless each such bulb is screened by a diffusing lens, sun screen or similar shading device.

4. Floodlights or spotlights shall be permitted on ground-mounted signs and wall signs, provided that such lights concentrate the illumination onto the area of the signs so as to prevent glare upon the street or adjacent property.

**F. Existing Developments.** Existing developments which contain more than one use but do not meet the criteria established for commercial planned developments, shopping or business centers and where two or more uses are located on a single lot or group of contiguous lots which were developed according to a plan, shall be considered to be a planned development.

#### **15.32.080 Prohibited signs.**

The following signs and operations are prohibited signs and operations, and may not be erected or permitted to operate within the city unless specifically authorized by other sections of this code:

**A.** Signs that obstruct the vision clearance of a street or driveway intersection;

**B.** Signs that obstruct ingress or egress through any door, window, fire escape, standpipe, or like facility, required or designated for safety or emergency use;

**C.** Signs that may be confused with public traffic signs or highway identification signs, or graphically appear similar to these types of signs, or signs that may mislead or confuse vehicle operators;

**D.** Signs or sign structures determined by the building official to constitute a hazard to the public safety or health by reason of poor structural design or construction, inadequate maintenance, lack of repair, or dilapidation ( "maintenance" means normal care needed to keep a sign functional such as cleaning, oiling and changing of light bulbs);

**E.** Signs that rotate, reflect, flash, blink, fluctuate, or have chaser effects (a "rotating signs" has sign faces or portions of a sign face which revolve around a central axis);

**F.** Signs placed on, affixed to, or painted on any motor vehicle, trailer or other mobile structure not registered, licensed and insured for use on public highways and parked with the primary purpose of providing a sign not otherwise allowed by this chapter;

**G.** Benches with a commercially available space for advertising;

**H.** Signs located on or above public rights-of-way without written consent of the applicable jurisdiction. This includes, but is not limited to, posters or notices on utility poles, political signs in parking strips, etc., other than traffic control signs installed by the state, county or city;

**I.** Roof signs (signs erected upon, against or directly above a roof, or on the top of or above the parapet of a building).

**J.** Attention attracting devices, flags, balloons, windsocks, pennants, streamers, valances, spinners, spirals and other wind-activated devices including propellers.

**15.32.090 Permit required.**

It is unlawful for any person to erect, repair, alter or relocate within the city any sign or other advertising structure as defined in this chapter without first obtaining a sign permit from the city and making payment of the fee required by the city thereof.

**15.32.100 Permit fees.**

Fees shall be those established in the current fees and charges resolution in effect at the time of application.

**15.32.110 Permit application.**

Application for a sign permit shall be made in writing upon forms supplied by the city and shall contain the following information:

**A.** Name, address and telephone number of the applicant;

**B.** Location by street number of the building, structure or lot to which or upon which the sign is to be installed or affixed;

**C.** A drawing, drawn to scale showing the design of the sign, including dimensions of the sign, dimensions of wall if wall-mounted, maximum height above grade if free-standing, method of attachment, source of illumination and the relationship to any building or structure to which it is proposed to be installed or affixed or to which it relates;

**D.** A plot plan drawn to scale indicating the location of the sign relative to property lines, building locations, streets and sidewalks;

**E.** Copies of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by the Uniform Building Code;

**F.** Name, address and phone number of the person, firm, corporation or association erecting such sign or advertising structure;

**G.** Written consent of the owner of the building, structure or land to which or on which the structure is to be erected;

**H.** Copy of any electrical permit required and issued for the sign;

**I.** For temporary signs, the dates that the temporary sign will be displayed;

**I.** Any such other information required to show full compliance with this chapter and all other provisions of this code.

**15.32.120 Permit approval.**

**A.** A completed sign permit application accompanied by the appropriate fee shall be submitted to the development services department or other staff designated by the city manager, referred hereafter as “department”.

**B.** The department shall review the sign permit application to ensure that it is complete, accompanied by the appropriate fee, and the proposed sign complies with the provisions of these regulations and other city ordinances. A permit shall only be issued when all of these criteria have been met.

**C.** An approved sign permit does not replace, supersede or waive structural or electrical standards and permits required. These other permits must also be obtained prior to work on the installation of the sign.

**D.** The applicable permit review fee shall be doubled if sign installation is begun before obtaining a permit. Payment of such double fee shall not relieve any person from full compliance with these regulations.

**E.** The permit shall expire if a sign is not installed as approved within one hundred eighty days from the date of sign permit application approval. Reapplication shall include a new, fully completed application form and a new application fee. The application must comply with findings in subsection B of this section, including any amendments to these regulations adopted since the previous permit approval.

**F.** An approved sign permit may be revoked by the director if the approved sign is not constructed and installed as approved, if incorrect information was provided on the application, or if the city approved the permit in error. A decision of the director may be appealed to the city council in accordance with appeal procedures for a Type III appeal.

**G.** All signs shall be subject to inspection and re-inspection. Footing inspections may be required for all signs having footings.

**15.32.130 Permit conditions.**

The department may attach conditions in conjunction with the approval of a sign permit as deemed necessary to secure the purpose of this code and may require guarantees and evidence that such conditions will be complied with.

**15.32.140 Permit appeal.**

A decision may be appealed to the city council. A written appeal must be filed with the city recorder within ten days of the notice of the decision. The appeal shall be conducted the same as an appeal of a decision of the planning commission.

**15.32.150 Variances to standards.**

There may be rare instances where a combination of strict application of the standards in this chapter and/or public safety concerns may preclude use of signs as a communication medium for a primary frontage. In these cases, it may be appropriate to vary a particular standard to enable a property owner to utilize signs in a manner similar to others in a district.

**A.** To request a variance, an applicant shall submit a completed sign variance application and appropriate review fee.

**B.** The city council shall hold a public hearing and provide notice on the application in accordance with the procedures for a Type III public hearing.

**C.** A variance request shall not be granted for any of the following:

1. Limitations on visibility resulting from required landscaping;
2. Location of buildings or other structures;
3. Lack of exposure on a primary frontage;
4. Convenience or economic hardship to the applicant;
5. Inclusion of signs otherwise prohibited by these regulations.

**D.** To approve a sign variance request, the city council must find that the application meets all of the following criteria:

1. The type of the proposed sign is not a type prohibited by these regulations;
2. There are exceptional or extraordinary circumstances or conditions applying to the subject property;

3. The authorization of such variances will not be materially detrimental to the public welfare, not injurious to nearby property, nor essentially different from the provisions of the zoning district in which it is located;

4. The variance is the minimum remedy necessary to eliminate the hardship;

5. The variance does not substantially subvert the basic regulating formula relating the amount of sign area to the amount of site frontage;

6. No other alternative solution that complies with these regulations is available to the applicant.

**E.** The city council may impose such conditions on the approval as necessary to achieve the purposes of these regulations.

**F.** The city council decision shall be the final decision of the city.

**G.** Where a sign approved through these variance procedures is not installed within twelve months, the variance approval shall expire and all work must fully comply with these regulations as amended to that date.

#### **15.32.160 Administration and enforcement.**

The department shall administer and enforce these regulations and is authorized to issue citations for violations of these regulations in accordance with provisions of the Sandy Municipal Code.

#### **15.32.170 Sign removal.**

The department may order removal of any sign erected, replaced, reconstructed or maintained in violation of these regulations.

**A.** The department shall deliver written notice by certified mail (return receipt requested) to the owner of the sign, or, if the owner of the sign cannot be located, to the owner of the lot(s), as shown on the tax rolls of Clackamas County, on which such sign is located, directing that the sign shall be removed or brought into compliance with these standards.

**B.** If the owner of such sign or the owner of the lot(s) on which the sign is located fails to remove the sign or bring the sign into compliance within thirty days after receipt of written notice from the city, the building official shall cause such sign to be removed at the expense of the property owner. Such costs shall be entered by the city recorder on the docket of city liens against the property owner, and shall be collectible in the same manner as liens for public improvements.

**C.** If the condition of the sign presents an immediate threat to the safety of the public, the department may cause removal of the sign immediately, without prior notice, and the expenses for such removal shall be paid by the owner of the sign or the permit

applicant. If such persons cannot be found, the expense shall be paid by the owner of the building, structure or property.

**15.32.180 Periodic review.**

The city council and the department in conjunction with a committee of at least three local business people, shall review this chapter periodically.

**15.32.190 Violations.**

Upon conviction, any person who violates any of the provisions of this chapter is guilty of a Class B infraction and subject to the penalties provided in ORS 153.110 through 153.310, as now constituted.

**A.** A person cited for a violation shall be fined up to one hundred dollars.

**B.** Each day a sign is in violation of these regulations shall be considered a new violation.

**15.32.200 Limitation of liability.**

The city shall not be held responsible for any damage to persons or property by reason of approval, disapproval, or the issuance of a sign permit authorized in this chapter, or inspection or re-inspection of a sign as authorized by this chapter.

**15.32.210 Definitions.**

As used in this chapter:

1. "A-Frame Signs". An A-frame sign is a portable permanent sign which has two sides, the frame or support structure of which is hinged or connected at the top of the sign in such a manner that the sign is easily moved and erected (see sample photo).



Sample A-Frame Sign

2. Area, Sign Face. "Sign face area" means:

a. The area of sign enclosed in a frame or cabinet is determined based on the outer dimensions of the frame or cabinet surrounding the sign face. Sign area does not include foundations, supports, or other essential structures which are not serving as a backdrop or border to the sign.

b. When a sign is on a base material and attached without a frame, the dimensions of the base material are to be used, unless it is clear that part of the base contains no related display or message.

c. When signs are constructed in individual pieces attached to a building wall, sign area is determined by a perimeter drawn around all the pieces.



- d. For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face.
- e. The maximum surface area visible at one time on a round or three-dimensional sign is counted to determine sign area.
3. "Banner" means a sign made of fabric or other nonridged material with no enclosing framework.
4. "Bulletin board" means bulletin boards for public, charitable or religious institutions when the same are located on the premises of such institutions.
5. "Dissolve" means a mode of message transition on an electronic message sign accomplished by varying the light intensity or pattern, where the first message gradually and uniformly appears to dissipate and lose legibility simultaneously with the gradual and uniform appearance and legibility of the second message.
6. "Electronic Message Sign". A sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means including animated graphics and video.
7. "Erect" means to build, construct, attach, hang, place, suspend or affix, and shall also include the painting of wall signs.
8. "Face" means the surface of the sign upon, against or through, which the message is displayed or illustrated on the sign.
9. "Fade". Fade means a mode of message transition on an electronic message sign accomplished by varying the light intensity, where the first message gradually and uniformly reduces intensity to the point of not being legible and the subsequent message gradually and uniformly increases intensity to the point of being legible.
10. "Frontage" means the length of the property line of any one premise along each public right-of-way it borders.
11. "Height" means the overall height of a free-standing sign or sign structure is measured from the grade directly below a sign to the highest point of the sign or sign structure.
12. "Reader board" means a sign or part of a sign specifically designed to allow for the convenient display of temporary messages without alteration of the sign field, and on which the letters or images are readily replaceable such that the copy can be changed from time to time at will, either by hand or through electronic programming.

13. "Sign" means an identification, description, illustration or device that is affixed to or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution or business.

14. "Sign structure" means a structure specifically intended for supporting or containing a sign which is not an integral part of a building.

15. "Temporary sign" means a sign or advertising display constructed of fabric, paper, cardboard, plywood, or other light materials, with or without a frame, not permanently attached to a building, structure or ground intended to be displayed for a specific and limited period of time. A temporary sign is intended to:

a. Exist until such time as a permanent sign can be placed;

b. Exist for a limited period of time as determined by the specific date of an event, activity or sale;

16. "Wall area" means all window and wall area of a building on one plane or elevation.

## **Chapter 15.34 DISPOSAL OF DEBRIS FROM CONSTRUCTION SITES'**

### **15.34.010 Required.**

All debris generated from construction sites within the city shall be removed, destroyed or buried pursuant to the terms of this chapter before a certificate of final action and/or a certificate of occupancy is issued for the structure or structures located on said construction site. The term "debris" shall include but not be limited to stumps, tree limbs, brush, discarded building materials, and other waste materials generated by the construction process. (Ord. 10-79 § 1 (part), 1979.)

### **15.34.020 burning or burial.**

Construction debris may be buried or burned on site only with the specific written permission of the city, the Oregon Department of Environmental Quality and Sandy Rural Fire District No. 72. (Ord. 10-79 § 1 (part), 1979.)

### **15.34.030 Violation-Penalty.**

Any person violating any provision of this chapter shall, upon conviction thereof, be punished by a fine not to exceed five hundred dollars. A person violating a provision of this chapter is guilty of a separate offense for each day during which the violation continues. (Ord. 10-79 § 1 (part), 1979.)

**Chapter 15.35**  
**OBLIGATIONS OF BUILDERS AND LAND DIVIDERS**  
**TO CLEAN UP SIDEWALKS AND ROADWAYS**

**15.35.010 Responsibility designated.**

Any applicant for a building permit and any land divider as defined in Chapter 16.08 of this code shall be solely responsible for cleanup of debris, dirt and foreign materials derived from their development or project upon sidewalks and roadways. Responsibility shall also apply in the same manner to deposits of the aforesaid material on adjacent lots or parcels when such deposits are determined to be a nuisance. The responsibility for building permit applicants shall continue until the building or structure for which the building permit was issued receives a certificate of occupancy from the city. The responsibility of the land divider shall continue until such time as all required improvements within the subdivision or partition have been inspected and finally approved by the city. The building permit applicant and the land divider shall be responsible for cleaning all debris, dirt or foreign materials upon the sidewalks, roadways and adjacent lots; except that if the debris, dirt or foreign material is founded by the city manager to constitute an immediate traffic or safety hazard, it shall be immediately removed by the building permit applicant or the land divider. All building permit applicants and land dividers shall furnish the city with information as to where he or a designated subordinate may be reached at all times by the city in regard to the performance of such cleanup work. (Ord. 5-87 § I (A), 1987: Ord. 2-81 § 1 (part), 1981.)

**15.35.020 City authority to cause cleanup.**

Failure of the building permit applicant or the land divider to clean up debris, dirt or foreign materials, as stated in Section 15.35.010, shall give the city the right to clean up the debris, dirt or foreign materials utilizing city crews, or to hire an independent contractor to do the same. The city shall bill the building permit applicant or land divider for all such cleanup services at the rate of twice the actual city labor cost incurred plus thirty-five percent of such actual labor costs reflecting utilization of city equipment. In the event the city hires a private contractor to perform these services, the city shall bill the land divider or building permit applicant the actual costs incurred by the private contractor plus fifty percent of the actual costs reflecting the administrative costs incurred. (Ord. 5-87 § 1(B), 1987: Ord. 2-81 § 1 (part), 1981.)

**15.35.030 Deposit required for enforcement procedure.**

**A.** The building permit applicant or land divider shall deposit with the city a sum established by the city council by resolution, which shall be retained by the city a fund to be utilized for street, sidewalk and adjacent property cleaning pursuant to the provisions of this chapter. Failure of the building permit applicant or land divider to maintain said sum for a period of over five days shall result in the issuance of stop work order which will remain in effect on the entire development until the fund is restored to the amount established by the city council by resolution of the building permit applicant or land divider. If the city bills the applicant or land divider pursuant to Section 15.35.020 for cleanup costs which exceed the deposit amount, the building permit applicant or land

divider shall pay the bill in full and restore the deposit in full within five days of his receipt of said bill.

**B.** The city is not required by the terms of this chapter to clean up roadways, sidewalks and adjacent parcels of the debris, dirt or foreign materials if the building permit applicant or land divider fails to do so within the aforesaid time period. The city shall have the option, if it does not elect to clean the roadways, sidewalks and adjacent parcels itself, utilizing its own employees or a private contractor, to issue a stop work order on the entire development after the expiration of the aforesaid time periods, which stop work order shall remain in effect until the roadways, sidewalks and adjacent lots are cleared by the building permit applicant or the land divider of debris, dirt or foreign materials, to the satisfaction of the city.  
(Ord. 18-93 § 15, 1993; Ord. 5-87 § 1(C), 1987; Ord. 2-81 § 1 (part), 1981.)

### **Chapter 15.36 MUNICIPAL LIEN SEARCH FEES**

#### **15.36.010 Imposition of municipal lien search fees.**

There shall be charged a uniform fee set by council resolution for each lot for which a municipal lien search is conducted by the city upon the request of a private individual, Title Company, or other source.  
(Ord. 11-91 § 1, 1991; Ord. 10-80 § 1, 1980.)

### **Chapter 15.42 ENFORCEMENT PROCEDURES**

#### **15.42.010 Procedures.**

Upon finding that the regulations of this title have apparently been violated, the city shall cause the following steps to be taken:

**A.** A member of the staff shall attempt to contact the property owner or apparent violation, explaining the requirements of this title and the type of action which the city can be expected to take if the violation is not corrected.

**B.** If the property owner and/or violator is willing to correct the violation, he/she shall be given a reasonable amount of time to make such corrections.

**C.** If the property owner and/or violator cannot be reached, is reached but does not intend to comply, or fails to comply within the time limits previously agreed to, the city shall take any of the following steps which are deemed appropriate in the situation:

1. Withhold any and all permits for the development of the property;
2. Disconnect the property from city services;

3. Cite the individual into a court of competent jurisdiction.

**D.** The city shall notify, by certified mail, all record owners of the property involved, stating the nature of the remedial actions which the city is taking to correct the apparent violation.

(Ord. 7-97 § 1, 1997.)

## **Chapter 15.44 EROSION CONTROL REGULATIONS (Ord. 2002-12)**

### **15.44.00 Intent.**

The purpose is to regulate land disturbing activities that may lead to soil erosion and sedimentation into watercourses, wetlands, riparian areas, and public and private property. No land disturbing activity shall be conducted so as to cause slides of mud, soil, rock, vegetative material, or any other material to be pushed onto, deposited upon, or gravitated to the property of another, either public or private. (Ord. 2002-12)

### **15.44.10 Definitions.**

Definitions are provided in the most recent version of the *Erosion Prevention and Sediment Control Planning and Design Manual*, Clackamas County WES. Selected words and terms are defined as follows:

**Best Management Practice (BMP):** Physical, structural and/or managerial practices employed to avoid or mitigate damage or potential damage from contamination or pollution of surface waters or wetlands. Structural BMP's are actually physical installations rather than procedural/managerial BMP's such as good housekeeping and employee training.

**Building:** Any structure used or intended for support, shelter or enclosure of any persons, animals, goods, equipment or chattels and property of any kind

**Building Official:** The duly appointed officer or other designated authority charged with the administration and enforcement of this Code, and includes the building official's duly authorized deputies, officers, and inspectors.

**Clearing:** Any activity that removes vegetative ground cover.

**Cut:** Portion of land surface or area from which earth has been removed or will be removed by excavating the depth below the original group surface to the excavated surface.

**Denuded Site (or Soil):** An area made bare; stripped of ground covering.

**Developer:** The owners of property or their agents or contractors, or their successors or assigns, who have undertaken or are proposing development.

**Development:** Any artificial change to improved or unimproved real estate, including but not limited to, construction of buildings or other structures, excavation, vegetation removal, mining, dredging, filling, grading, compaction, paving, drilling, stream alteration or challenging, or other similar activities.

**Disturbed Area:** That area of natural ground excluding the footprint of the residence that has been or is proposed to be altered through grading, cut and fill, removal of natural vegetation, placement of material, trenching, or by any means that causes a change in the undisturbed natural surface of the land or natural vegetation.

**Erosion:** The detachment and movement of earth, soil, sand, gravel, rock fragments, refuse or any other organic or inorganic material by running water, wind, ice, or other geologic agents, including such processes as gravitational creep, and detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

**Erosion Control Manual:** The most recent version of the *Erosion Prevention and Sediment Control Planning and Design Manual*, Clackamas County WES.

**Excavation:** Any act by which earth, soil, sand, gravel, rock fragments, refuse or any other organic or inorganic material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed by a person, including the conditions resulting there from.

**Fill:** Any act by which earth, soil, sand, gravel, rock fragments, refuse or any other organic or inorganic material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved by a person to a new location, including the conditions resulting there from.

**Footprint:** That area of the residence measured from the outside walls (excluding any overhanging portions) which includes indoor uses such as attached garage, carports, utility room, laundry, etc., but excludes outdoor uses such as patios and breezeways.

**Grading:** The cutting and/or filling of the land to a desired slope or elevation.

**Ground disturbing activity:** See Land disturbing activity.

**Land disturbing activity:** Any clearing, grading, stripping, excavation, fill, or any combination thereof.

**Lot:** A single unit of land that is created by a subdivision of land.

**Residential Erosion Control Plan:** A standard drawing maintained in the Building Division showing typical erosion control measures used in construction of a single-family dwelling on a lot with slopes less than 5%.

**Sediment:** Fragmented material originated from weathering and erosion of rocks and unconsolidated deposits. The material is transported by, suspended in, or deposited by water, air, wind, or gravity.

**Sedimentation:** The depositing of solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, wind, water, or gravity.

**Stabilized:** Is when the soil erosion rate approaches that of undisturbed soils. Soils which are disturbed will be considered protected when covered with a healthy, mature growth of grass or a good covering of hay or straw mulch (minimum 2 tons/acre). (Mulch is only a temporary measure; ultimately, the site needs vegetation).

**Stockpile:** On-site storage of any soil, sand, gravel, clay, mud, debris, vegetation, refuse or any other material organic or inorganic, in a concentrated state.

**Stripping:** Any activity that removes the vegetative surface cover including tree removal, clearing, and storage or removal of topsoil.

#### **15.44.20 Area of Application.**

This chapter applies to all ground disturbing activities within the city limits whether or not a permit is required, unless such activities are otherwise exempted by the Sandy Development Code. All non-permitted ground disturbing activities that are permanent or temporary in nature shall comply with this chapter unless otherwise noted.

#### **15.44.30 Applicability.**

Application and approval of an erosion control plan shall be required under any of the following circumstances:

**A.** Prior to final plat approval for any major partition or subdivision, in accordance with Chapter 17.100.

**B.** Prior to approval of any building or grading permit that results in:

1. Disturbance of 1,000 square feet or more of land surface area.
2. Land or native vegetation disturbance within the FSH Overlay District Map (Chapter 17.60).
3. Disturbance of land or clearing of vegetation affecting 500 square feet or more of land area on slopes of 25 percent or greater.

**C.** Upon a finding that visible or measurable erosion has entered, or is likely to enter, the public storm drainage and surface water system. As used in this section, "visible or measurable erosion" shall include the following:

1. Depositions of soil or sediment exceeding one cubic foot in volume on a public or private street, adjacent property, or into the surface water management system either by direct deposit, dropping, tracking, discharge or as a result of erosion.

2. Flows of water over bare soils, turbid or sediment laden flows, or evidence of on-site erosion such as rivulets or bare soil slopes, where the flow of water is not filtered or captured on the site.

3. Any type of earth slides, mudflows, earth sloughing, or other earth movement, which leaves the property of origin.

**D. Exemptions:**

1. Cutting brush where vegetative ground cover will remain intact.

2. Maintenance of public infrastructure by state or local government agencies. State and local government agencies, however, shall implement best management practices to prevent erosion and control sediment; and shall make regular inspections to ascertain that erosion and sediment control measures consistent with best management practices have been implemented and are being effectively maintained.

3. Emergencies: Development, which is subject to Chapter 15.44, may commence without complying with the requirements of this chapter if the building official or private property owner determines that emergency response activities are required because there is a hazard posing imminent danger to life or property, such as substantial fire hazards, risk of flood or other emergency. However, upon a determination by the building official that such emergency has passed, the provisions of this chapter shall apply.

4. Installation of signs.

5. Farming activities provided that the specific land area has been cultivated within the last three (3) years.

6. Forest practices undertaken in compliance with the Oregon Forest Practices Act and administrative rules.

7. Single Family Lot - Residential Erosion Control Plan Option: In lieu of compliance with SDC 15.44 the developer may choose to follow the requirements of the Residential Erosion Control Plan, on file in the Building Department in the following circumstances:

a. The lot is 20,000 square feet or less.

b. No portion of the lot exceeds 5% slope.

c. The site is not located with a FSH setback.

Nothing in this section shall relieve any person from the obligation to comply with the regulations or permits of any federal, state, or local authority.



#### **15.44.40 Design Standards.**

The required Erosion Control Plan shall comply with the following standards:

**A. Control Measures.** Specific methods of soil erosion and sediment control shall be used during construction to minimize visible and measurable erosion. These methods shall include all of the following:

1. The land area to be grubbed, stripped, used for temporary placement of soil, or to otherwise expose soil shall be confined to the immediate construction site only.
2. The duration of exposure of soils shall be kept to a minimum during construction. Exposed soils shall be covered by mulch, sheeting, temporary seeding or other suitable material following grading or construction, until soils are stabilized. During the rainy season, October 1 through April 30, soils shall not be exposed for more than seven consecutive days. All disturbed land areas which will remain unworked for 30 days or more during construction, shall be mulched and seeded.
3. During construction, runoff from the site shall be controlled, and increased runoff and sediment resulting from soil disturbance shall be retained on-site. Temporary diversions, sediment basins, barriers, check dams, or other methods shall be provided as necessary to hold sediment and runoff.
4. Appropriate erosion and sediment control measures shall be installed prior to soil disturbance.
5. A stabilized pad of gravel shall be constructed and maintained at all entrances and exits to the construction site to prevent soil deposits on the roadway or in the drainage ways. The stabilized gravel pad(s) shall be the only allowable entrances or exits to the site.
6. Topsoil removal for development shall be stockpiled and reused on-site to the degree necessary to restore disturbed areas to their original or enhanced condition, or to assure a minimum of six inches of stable topsoil for revegetation. Additional soil shall be provided if necessary to support revegetation. Topsoil stockpile sites are subject to and must comply with these regulations.
7. The removal of all sediments which are carried into the streets, or on to adjacent property, are the responsibility of the developer. The applicant shall be responsible for cleaning and repairing streets, catch basins, and adjacent properties, where such properties are affected by sediments or mud. In no case shall sediments be washed into storm drains, ditches, drainage ways, streams, or wetlands.
8. All temporary erosion and sediment control measures shall be removed after final site stabilization.

9. Any other relevant provision of the most recent version of the Clackamas County WES Erosion Prevention and Sediment Control Planning and Design Manual required by the building official.

**B. Restoration of Vegetation.** The developer shall be responsible for re-vegetating public and private open spaces, utility easements, and undeveloped rights-of-way in accordance with an approved Schedule of Installation.

1. If the vegetation existing prior to site development is non-native or invasive, it shall be replaced with native or non-invasive plant species.

2. Temporary measures used for initial erosion control shall not be left in place permanently.

3. Work areas on the immediate site shall be carefully identified and marked to reduce potential damage to trees and vegetation.

4. Trees shall not be used as anchors for stabilizing working equipment.

5. During clearing operations, trees and vegetation shall not be permitted to fall or be placed outside the work area.

6. In areas designated for selective cutting or clearing, care in falling and removing trees and brush shall be taken to avoid injuring trees and shrubs to be left in place and the provisions for tree preservation in Chapter 17.102.

7. Stockpiling of soil, or soil mixed with vegetation, shall be removed prior to completion of the project.

**C. Schedule of Installation.** A schedule of planned erosion control and revegetation measures shall be provided, which sets forth the progress of construction activities, and mitigating erosion control measures.

**D. Responsible Person.** The developer shall designate a specific person to be responsible for carrying out the Erosion Prevention and Sediment Control Plan.

**E. Reference Authority.** The most recent version of the Clackamas County WES Erosion Prevention and Sediment Control Planning and Design Manual, a copy of which is available in the Planning & Development department office, shall be the primary guide for the City of Sandy in establishing and reviewing erosion control techniques, methods and requirements. The Building Official may also develop regulations and procedures in accordance with the Handbook to implement erosion control measures as needed.

#### **15.44.50 Applicant's Responsibility.**

The developer, subsequent developers or property owners shall bear responsibility for the installation, construction, protection of all stockpiles on the site, materials

transported from the site, maintenance including re-vegetation of all graded areas, inspection and disposition of erosion control measures. In order to meet the purpose of this chapter, the developer shall:

**A. Plan Approval Required Prior to Clearing or Grading.** No grading, clearing or excavation of land requiring an Erosion Prevention and Sediment Control Plan shall be undertaken prior to approval of the Erosion Prevention and Sediment Control Plan.

**B. Implementation.** The developer shall implement the measures and construct facilities contained in the approved Erosion Prevention and Sediment Control Plan in a timely manner.

1. Install measures intended to keep soil on site or out of water bodies, storm drainage systems or the public right-of-way as the first step in any development. These measures shall be made functional prior to any upslope development taking place. The developer shall be responsible for maintenance, adjustment, repair and replacement of or erosion control measures to ensure that they are functioning properly without interruption.

2. Remove any soil that enters the public right-of-way.

3. Protect stormwater inlets that are functioning during the course of the development by approved sediment control measures so that sediment-laden water cannot enter the inlets without first being filtered.

4. Maintain all erosion and sediment control measures necessary to meet the requirements of the *Erosion Control Manual*.

5. Inspect erosion and sediment control measures every 24 hours during storm or rain events to ensure the measures are functioning properly.

6. The developer shall call for City of Sandy inspection, prior to any clearing or grading, to certify that erosion control measures are installed in accordance with the Erosion Prevention and Sediment Control Plan

**C. Apply permanent or temporary soil stabilization to denuded development site areas in conformance with the following schedule:**

1. Between October 1 and April 30, all denuded sites shall immediately be provided with either temporary or permanent soil stabilization.

2. Between May 1 and September 30, temporary erosion and sediment control measures to reduce dust and sediment transport shall be applied as soon as practicable, but in no case more than seven days after ground disturbing activity occurs.

3. Ground cover shall be installed on any portion of a site that is denuded for more than six months. Sports fields or playgrounds surrounded by vegetative cover or permanently installed curbing are exempt from this requirement.

4. Temporary measures shall be maintained until permanent measures are established.

5. Plant replacement vegetative cover that does not include plants listed as nuisance or prohibited plants on the City of Portland Plant List (available in the Planning & Development office) or the City's Native Plant List. Agriculture, timber production or residential crop growing activities are exempted from this requirement.

6. Secure or protect soil stockpiles throughout the project with temporary or permanent soil stabilization measures. Depositions of soil may be subject to additional regulations requiring permit, review or erosion and sediment control.

7. Select BMPs from the *Erosion Control Manual*.

**D. Dust Control.** The City of Sandy is susceptible to wind erosion. Therefore, the building official may require that additional dust control measures be included in the Erosion Prevention and Sediment Control Plan. Such control measures may include, but are not limited to, the following:

1. Sprinkling access and haul roads and other exposed dust producing areas with water.

2. Applying dust palliatives to access and haul roads.

3. Establishing temporary vegetative cover.

4. Placing wood chips, gravel or other effective mulches on vehicle and pedestrian use areas.

5. Maintaining the proper moisture condition on all fill surfaces.

6. Pre-wetting cut and fill surface areas.

7. Using covered haul equipment.

**E. Additional Standards.** The following additional standards shall apply:

1. Construction between stream banks shall be prohibited, unless absolutely necessary to construct required public facilities. Any such activities must be performed in accordance with the Oregon Department Fish and Wildlife, Oregon Department of State Lands and other state regulations.

2. Pollutants such as fuels, lubricants, raw sewage, and other harmful materials shall not be discharged into or near rivers, streams, or impoundments, and shall be properly stored and disposed.

3. Discharge of water into a stream, wetland or impoundment shall not result in violation of the state temperature water standard.

4. All sediment-laden water from construction operations shall be routed through stilling basins, filtered, or otherwise treated to reduce the sediment load, and prevent violation of the state turbidity rule.

**F. Storage.** All erodible or toxic materials delivered to the job site shall be covered and protected from the weather and stored according to appropriate health and safety guidelines.

1. Such material shall not be exposed during storage.

2. Waste material, rinsing fluids, and other such material shall be disposed of in such manner that pollution of groundwater, surface water, or air does not occur.

3. In no case shall toxic material be dumped into drainage ways or onto land.

**G. Duration of Maintenance.** Continuing maintenance after development pursuant to the Erosion Prevention and Sediment Control Plan, including re-vegetation of all graded areas, shall be the responsibility of the developer, subsequent developers or property owners.

1. Erosion control measures shall be maintained during construction and for one year after development is completed.

2. The Building Official may, upon a finding that soils are completely stabilized, reduce this period.

**H.** The Building Official shall make regular inspections to ascertain that erosion and sediment control measures as proposed in the erosion control plan have been implemented and are being effectively maintained.

#### **15.44.60 Submission Requirements.**

The plan shall be prepared using methods and standards shown in the *Erosion Control Manual*. If an engineered grading plan is required for the project, then the erosion control plan shall be prepared by the same person who prepared the engineered grading plan. Each erosion control plan shall include a certification that any land disturbing activity will be in accord with the submitted and approved erosion control plan.

Sites that require an Oregon Department of Environmental Quality (DEQ) 1200-C construction site permit are encouraged to submit the same Erosion Sedimentation and Pollution Control Plan (ESPCCP) for both the 1200-C permit and the City development, building, or street opening permit. The City of Sandy does not administer the state 1200-C permit program.

The erosion control plan shall contain the following information:

**A. Plan:**

1. Location of the development site showing property lines, adjacent roads and streets and the development site boundaries;
2. North arrow, scale, date;
3. Existing and proposed easements;
4. Existing structures, utilities, roads and other paved areas within the development site;
5. Location of proposed construction access driveways and designated vehicle parking areas;
6. Location of proposed soil stockpiles;
7. Location of existing and proposed surface and subsurface devices, walls, dams, sediment basins, storage reservoirs, and other protective devices ;
8. Topographic contours and indication of slope steepness or existing and proposed contours at intervals of two feet;
9. Existing and proposed drainage channels (temporary and permanent) and direction of flow;
10. Water quality facilities;
11. Finished contours or elevations, including all cut and fill slopes and drainage channels;
12. Identification of any rivers, streams, wetlands, channels, ditches, or other watercourses and associated setbacks on and immediately adjacent to the development site regulated by Chapter 17.60;
13. Direction of surface water flows;
14. Existing vegetation areas where existing vegetative cover will be retained and measures will be taken to protect vegetation from damage;

15. Type and location of temporary and permanent erosion and sediment control measure BMPs, such as, but not limited to, silt fencing, matting, straw bales, mulching, seeding, and sodding; and,

16. The name, address, and telephone number of each of the owners of the land, the developer of the site, and the person responsible for placement and maintenance of temporary and permanent erosion control measures.

**B. Schedules:**

1. A schedule of soil disturbance, construction operations and phasing; and,
2. A proposed schedule for the inspection and maintenance of all BMPs.

**C. Reports:**

1. Design calculations for all temporary and permanent structural control BMP measures;
2. Identification of all permanent control measures and responsibility for continued maintenance; and,
3. Drainage report with calculations showing volume, peak discharge, and velocity of present and future runoff.

**D. Narrative:** A narrative section including discussion of each BMP measure, its purpose, construction sequence, and installation timing as they apply to the site.

**15.44.70 Additional Requirements for Special Sites.**

When the building official determines that special site conditions exist, the building official may require additional erosion, sediment and pollutant control measures.

**A. Special site conditions shall include one or more of the following:**

1. Slopes before development that are greater than 10 percent (1 Vertical:10 Horizontal).
2. Ground disturbance of a natural vegetative buffer within 50 feet of any setback or buffer shown on the FSH Overlay District Map.
3. The development site is located entirely or partially within the FSH Overlay District.
4. The development site or development phase will have ground disturbing activity at any one time of 10,000 square feet or more. Single-family dwellings and duplex dwellings are exempt from this size limitation.

5. The development includes a land division containing 10,000 square feet or more.
6. Project timing is such that ground-disturbing activity will take place between October 1 and April 30.

**B.** Additional requirements imposed by the building official to achieve compliance with provisions of the *Erosion Control Manual* may include, but are not limited to, the following:

1. Requiring drainage control during all development phases.
2. Requiring that a State of Oregon registered professional engineer, other professional certified by the State of Oregon with experience or qualifications in preparing erosion control plans, or a registered CPESC prepare or implement the erosion and sediment control plan.
3. Limiting the amount of denuded soil at any given time.
4. Requiring a pre-construction meeting with the contractor, engineer, inspector and City staff prior to the start of work.

#### **15.44.80 Review Procedures.**

Review of erosion control plans is not a limited land use decision and shall be processed in the same manner as a building permit.

#### **15.44.90 Approval or Denial of Erosion Control Plan.**

After receipt of a complete erosion control plan, the Building Official may order a technical review of the erosion control plan by a qualified professional consultant, as determined to be appropriate by the building official, at the expense of the applicant.

**A.** Following completion of the technical review of the plan, the Building Official shall:

2. Approve the application and indicate on the plans in writing if the grading plan as submitted conforms to the applicable technical guidelines, in the most recent version of the *Erosion and Sediment Control Planning and Design Manual*, Clackamas County WES; or,
3. Approve, subject to such reasonable conditions as may be necessary for the grading plan to conform to the *Erosion Control Manual*; or,
4. Disapprove the application, if the grading plan, either as submitted or with conditions, does not conform to the *Erosion Control Manual*.

**B.** The approved plan shall not be changed, modified, or altered without authorization from the building official.



**C.** Such approval shall be a component of subdivision or site plan approval.

**15.44.100 Issuance of Permit.**

**A.** No permit requiring an erosion control plan shall be issued until the plan is approved.

**B.** As a condition of permit issuance, the responsible party shall agree to allow all inspections to be conducted.

**C.** Where a bond, letter of credit or other guarantee is required, the permit shall not be issued until the bond or guarantee has been obtained and approved.

**15.44.110 Revisions to erosion control plan.**

**A.** During development and after the original erosion control permit has been issued, the building official may request revisions to the approved erosion, sediment or pollutant control plan. The building official may approve or deny all revisions.

**B.** The Building Official may require revisions to the approved erosion, sediment and pollutant control plan when:

1. It is determined that approved erosion, sediment and pollutant control measures are ineffective because soil erosion and sedimentation are entering into watercourses, wetlands, riparian areas, and public and private property. An alternate method, measure or control fails to perform as claimed by the responsible party.

2. A change in project timing has occurred due to an adverse change in weather.

3. During development, relevant new information about soil, site, topography or water conditions is discovered.

4. Changes to the area or type of ground disturbing activity or equipment used are proposed or implemented.

5. The project schedule has changed which results in development being conducted at a different time of year than originally accepted or approved.

6. Additional or substitute construction or maintenance materials or chemicals will be used during development that requires pollutant BMPs as set out in the *Erosion Control Manual*.

**C.** Revised plans shall show all actual and proposed changes made on the site, the new locations of the drainage patterns, and the affect that the revisions will have on the site. The new plans shall show how problems associated with the prior plan have been corrected, and indicate all new erosion, sediment and pollutant control measures.

D. The responsible party shall be solely responsible for the costs associated with any revisions, including but not limited to, any additional or alternate methods, measures, performance criteria or controls.

#### **15.44.120 Appeals.**

In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to an erosion control plan, appeals can be made in writing to the Planning Director. Appeals of the Planning Director's decision shall be made to the City Council within twelve (12) days of the date of decision. All appeals before the City Council shall be decided within thirty (30) days of the submission of the appeal.

#### **15.44.130 Correction of Ineffective Measures.**

If the facilities and techniques approved in the Erosion Control Plan are not effective or sufficient to meet the purpose of this chapter or the *Erosion Control Manual*, based on an on-site inspection, the building official may require modification of erosion control devices. Depending upon the amount of soil erosion and sedimentation entering watercourses, wetlands, riparian areas, and public and private property, a revised plan may be required.

A. The modifications of erosion control devices or the revised Erosion Control Plan shall be provided within 5 working days of written notification by the building official.

B. The developer shall implement fully the modifications or revised plan within 5 working days of approval by the building official.

C. In cases where serious erosion is occurring, the building official may require the developer to install interim control measures immediately, before submittal of the revised Erosion Control Plan.

#### **15.44.140 Hazards on Private Property.**

If the building official becomes aware or is notified of any land containing disturbed soil areas, or containing unprotected soil storage piles, creating erosion and sedimentation that affects property of another or is in violation of any provision of Chapter 15.44, the building official shall require the land owner to follow procedures and employ practices set out in Chapter 15.44 to control the erosion and sedimentation. The landowner shall follow the required procedures and employ the required practices.

#### **15.44.150 Security.**

The plans for development, including, but not limited to, road (public or private) and driveway construction and building of any kind or nature whatsoever, must be approved by the city and appropriate legal permit(s) issued, before any grading, bulldozing, blasting, or movement of earth is commenced. If construction does not commence within six months of securing such approval, no construction shall occur until such plans have been resubmitted and reapproved.

For any grading or other activity for which an erosion control permit is required, at the City's discretion, the applicant shall supply a performance bond or other financial guarantee in the amount of 120% of the value of the erosion prevention and control measures necessary to stabilize the site and maintain water quality. Any financial guarantee instrument proposed other than a performance bond shall be approved by the Public Works Director. The performance guarantee required under this section shall conform to the requirements of Section 17.100.330.

In the event that construction has not commenced within six months from the date of issuance of the grading permit or restoration is not complete within twelve months from the date of issuance of the grading permit, such bond shall be forfeited to the city in such amount necessary for the purpose of restoration of the construction site to a stabilized condition and all authorized permits shall be revoked and become void.

**A. Duration.** The financial guarantee instrument shall be in effective for a period of at least one year after grading has been completed, and shall be released when the building official determines that the site has been stabilized. All or a portion of the security retained by the City may be withheld for a period of up to five (5) years beyond the one-year maintenance period, if it has been determined by the building official that the site has not been sufficiently stabilized against erosion.

**B.** If for any reason the financial guarantee is not adequate to complete stabilization of the site the City shall have the ability to perform any work necessary to stabilize the site. The City may enter a lien against the subject property in the City's lien docket in order to recover these costs.

**C. Exemptions.** Individual lots zoned for single-family and multi-family residential use prior to the effective date of this section, and individual lots subject to the Residential Erosion Control Plan stated in Section 15.44.30 shall be exempt from the security requirements of this section.

**D. Conflict.** Due to the immediate threat to the public health, safety and welfare posed by failure to comply with the strict provisions of the erosion control measures required under this section, the provisions of Section 15.44.150 shall supersede the more general provisions of the City of Sandy Development Code, where they exist.

#### **15.44.160 Violations.**

Each violation of any provision of this section, or any failure to carry out the conditions of any approval granted pursuant to this section, shall be unlawful and a civil infraction subject to the enforcement provisions of Section 1.16.010 of this code.

**A.** In addition to those penalties available under Section 1.16.010 of this code, the Building Official may enforce the following additional penalties to this chapter:

1. Issue a stop work order where erosion control measures are not being properly maintained or are not functioning properly due to faulty installation or neglect.

2. Refuse to accept any further permit applications until erosion control measures have been installed properly and maintained in accordance with this chapter.

**B.** The owner of the property from which the erosion occurs, together with any person or parties who cause such erosion, shall be responsible for mitigating the impacts of the erosion and for preventing future erosion.

**15.44.170 Severability.**

The provisions of this ordinance are severable and if any paragraph, section, subsection, or part of this ordinance is held to be invalid, unenforceable, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair the remainder of this ordinance.

**15.44.180 REFERENCED REGULATIONS.**

All referenced regulations are available as specified below:

**A.** Erosion Prevention Planning and Design Manual (.pdf file) (Clackamas County WES, 2008). This document is available online at <http://www.clackamas.us/wes/designmanual.html> and for review at City Hall

**B.** City of Portland Plant List. (City of Portland) This list is maintained by the City of Portland Planning Bureau and is available online at <http://www.portlandonline.com/auditor/index.cfm?&a=322280&c=34460>

**C.** Native Plant List (City of Sandy). This list is available in the Planning or Building departments.