

**TITLE 8
BUILDING REGULATIONS**

**CHAPTER 1
BUILDING CODES**

8-1-1: ADMINISTRATION:

There is hereby established a code enforcement agency which shall be under the administrative and operational control of the building official. The building official is authorized to enforce all the provisions of the codes. The building official shall have the power to render written and oral interpretations of the codes and to adopt and enforce administrative procedures in order to clarify the application of their provisions. Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of the codes. (Ord. 647, 1-7-1997)

8-1-2: PURPOSE:

The building codes adopted by reference under this chapter shall govern the construction, reconstruction, alteration and repair of buildings and other structures and the installation of mechanical devices and equipment therein. (Ord. 581, 7-1-1991)

8-1-3: BUILDING CODES:

- A. Nonresidential Building Code: OAR 918-460-0010 rules establishing minimum safety standards for the design and construction of buildings.
- B. Residential Building Code: The most current edition of OAR 918-480-0005 minimum safety standards for the design and construction of one and two family dwellings.
- C. Plumbing Code: The most current edition of OAR 918-750-0110 plumbing specialty code.
- D. Manufactured Dwelling Standard: The most current edition of OAR 918-500-0020 code adoption of manufactured dwelling standards.
- E. Mechanical Code: The most current edition of OAR 918-440-0010 rules establishing minimum safety standards for the design and construction of mechanical systems in buildings.
- F. Electrical Code: The most current edition of OAR 918-305-0100 code adoption of electrical specialty code.
- G. Dangerous Buildings Code: A document, a copy of which is on file with the city, entitled 1997 uniform code for the abatement of dangerous buildings, is adopted as the dangerous buildings code of the city.
- H. Fire Code: A certain copy of which is on file with the city, entitled state of Oregon, 1998 edition, Oregon uniform fire code, is adopted as the fire code of the city. (Ord. 714, 4-2-2002)

8-1-4: STOP WORK ORDERS:

Whenever any work is being done contrary to the provisions of the codes in section 8-1-3 of this chapter (or other pertinent laws or ordinances implemented through their enforcement), the building official may order the work stopped by notice, in writing, served on any person engaged in the doing or causing of such work to be done. Any person so notified shall stop work on the project or that portion of the project affected by the stop work order until specifically authorized by the building official to proceed thereafter. (Ord. 647, 1-7-1997)

8-1-5: LICENSING REQUIRED:

No person shall advertise or enter into a contract to perform any services requiring a license from or registration with the construction contractors board, the plumbing board or the electrical board without first being duly licensed or registered with such board. All contractors performing work within the city shall be licensed by the state of Oregon construction contractors board during the time of all phases of work and until completion of any or all contract work. No contractor shall employ any person to perform work covered by the construction contractors board unless that contractor is registered as nonexempt from workers' compensation coverage with the construction contractors board. (Ord. 647, 1-7-1997)

8-1-6: BUILDING PERMITS:

No building permit shall be issued for the construction, reconstruction, alteration, or change of use of a structure or lot that does not conform to the requirements of title 10 of this code and the building codes adopted by this chapter. (Ord. 678, 10-6-1998)

8-1-7: CERTIFICATE OF OCCUPANCY:

No person shall occupy or use any building or structure or portion thereof until the building official has issued a certificate of occupancy. No building or structure shall have its existing occupancy classification until the building official has issued a certificate of occupancy for the new use. A certificate of occupancy shall not be issued until all relevant requirements of this code are met, including, but not limited to, this chapter, title 10 and subsection 7-2B-2C of this code. However, the city administrator may direct the building official to issue a temporary certificate of occupancy and may temporarily allow use of water and sewer before the installation and completion of these requirements provided the owner and developer, if any, have posted a performance bond with the city in an amount satisfactory to the city administrator to ensure the completion of these requirements within a specified time satisfactory to the city administrator. (Ord. 678, 10-6-1998)

8-1-8: BOARD OF APPEALS:

There shall be and is hereby created a board of appeals consisting of five (5) members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The building official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the mayor and shall hold office at his or her pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings to the appellant with a duplicate copy to the building official. The board of appeals shall have no authority relative to interpretation of the administrative provisions, nor shall the board be empowered to waive requirements of the adopted codes. (Ord. 678, 10-6-1998)

8-1-9: PENALTY:

- A. Fine: It is a class B civil fine for any person to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, use, occupy or maintain any building or structure in the city without a valid building permit, a valid certificate of occupancy, or in violation of any building code adopted by this chapter. In the case of a continuing violation, every day's continuance of the violation is a separate violation.
- B. Suspension Of Water Service: The municipal judge may suspend water service to any real property or building owned, leased, occupied, or developed by a person punished under subsection A of this section until the penalty is paid or until the violation is corrected or both. If the court orders water service suspended until the violation is corrected, the suspension of water service will continue notwithstanding a change of ownership, renters, occupiers, or developers of the real property or building unless a temporary certificate of occupancy permit is issued by the city administrator under section 8-1-7 of this chapter or a valid building permit is obtained or both. (Ord. 678, 10-6-1998)

8-1-10: NOTICE OF NONCOMPLIANCE AND VIOLATION:

- A. If a person is convicted of a violation of subsection 7-2B-2C, 7-2B-5A or B, or section 7-2B-3, 7-2B-6, or 7-2B-8 of this code; this chapter or title 10 of this code by the municipal judge or other court of competent jurisdiction, the city recorder shall enter a notice of noncompliance in the city lien docket upon any property where the violation occurred.
- B. The notice of noncompliance shall specify the owner of the property as reflected in the Umatilla County recording office, the property description by tax map and lot or by subdivision, block and lot, the date of filing, a brief description of the violation, reference to the court case number and citation to this chapter and section.
- C. Whenever the violation for which the notice of noncompliance was filed is corrected, the city recorder shall mark the noncompliance as corrected, specifying the date of correction.
- D. Whenever a notice of noncompliance is outstanding and a request for city liens is received by the city, the person requesting the search shall be notified of the outstanding noncompliance. (Ord. 678, 10-6-1998)

CHAPTER 2 SIGNS AND BILLBOARDS ARTICLE A. SIGN CODE

8-2A-1: PURPOSE AND SCOPE:

- A. The purpose of this Article is to provide reasonable and necessary regulations for the erection and maintenance of signs in order to:
 - 1. Promote free and meaningful exchange of ideas and information.

2. Protect the health, safety, property and welfare of the public.
3. Improve the neat, clean, orderly and attractive appearance of the City.
4. Improve the effectiveness of signs in identifying and advertising businesses and facilities.
5. Eliminate signs that demand, rather than invite, public attention.
6. Provide for the reasonable, orderly and effective display of outdoor advertising.
7. Preserve, protect and enhance the economic, scenic, historic and aesthetic values and objectives of the City and its citizens.
8. Provide effective signing to meet the anticipated differing needs of various areas in the City.

B. The provisions of this Article apply to all lands within the Urban Growth Boundary of the City. (Ord. 604, 11-16-93, eff. retroactive to 7-20-93)

8-2A-2: DEFINITIONS:

Words used in the present tense include the future, the singular number includes the plural and the word "shall" is mandatory and not directory, and the word "building" includes "structure" other than "sign structure". Types of signs are described under the term "sign" unless the context otherwise requires:

ANIMATION: Any form of movement by electric, mechanical or kinetic means, including but not limited to rotation, revolving or wind activation of all or a portion of a sign incorporating flashing or intermittent light for sign illumination or for changing the message on a message sign.

APPROVED PLASTIC: A plastic approved by Underwriters Laboratory for use in construction of electric signs.

AREA: The total area of a sign, including all decorative or structural trim, facing, announcement, demonstration, display, illustration or any other attention-getting device, exclusive of essential structural supports.

AWNING: A roof-like structure that extends from a building face, generally frame constructed with a cloth or metal cover. An awning contains a sign when a message is incorporated by design or attached to the awning surface.

BUILDING FRONT: The primary front of a building as viewed from the public street to which it is oriented. The area of a building front is calculated as the height multiplied by the width of the primary front.

BUSINESS: All of the activities carried on by the same legal entity on the same premises and shall include, but not be limited to charitable, fraternal, benevolent, educational and social organizations.

CANOPY: A permanent-roofed structure which may be freestanding or partially attached to a building for the purpose of providing shelter to pedestrians or patrons in automobiles but shall not mean a completely closed structure.

CITY: The City of Umatilla, Oregon.

CUTOUT: A display in the form of letters, figures, characters, representations or others in cutout or irregular form attached to or super-imposed upon an advertising sign.

DISPLAY SURFACE: The area made available by the sign structure for the purpose of displaying a message thereon.

ELECTRONIC READER BOARD: A sign designed to display electronic messages that move, flash or scroll, the content of which may be changed.

ERECT: To construct, paint, place, affix or otherwise bring into being.

HIGHWAY: All State highways, including Interstate, Federal Aid Primary, Federal Aid Secondary and other State highways⁶⁰.

INCOMBUSTIBLE MATERIAL: A material that will not ignite at or below a temperature of one thousand two hundred degrees (1,200°) Fahrenheit during an exposure of five (5) minutes and which will not continue to burn or glow at that temperature when tested in accordance with the UBC.

LOW PROFILE BUILDING: A building with a roof less than twelve feet (12') above the sidewalk.

MAINTAIN: To allow to exist or continue.

MARQUEE: A permanent-roofed structure attached to or supported by a building but does not mean a "canopy" as defined herein.

NONSTRUCTURAL TRIM: A molding, batten, caps, nailing strip or stringer, lattice, cutout, letter or walkway attached to a sign structure.

PERSON: An individual, corporation, partnership, association, joint venture or other legal entity.

PROJECTION: The distance which a projecting sign extends from a building face or the distance by which any other type of sign extends over public property.

ROOF LINE: The line which marks the highest point of the vertical front of a building in the case of a false front or the line where the roof is joined to the vertical front wall of the building in other cases.

SIGN: Any sign, display, message, light (other than lighting designed primarily for the illumination of premises), emblem, device, figure, mannequin, painting, drawing, placard, poster or other thing that is designed, used or intended for an advertising purpose and includes, where applicable, the sign structure, display surface and all components of the sign. "Sign" includes, but is not limited to:

Advertising Sign: A sign which advertises goods, products, business or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.

Building Directory: A sign giving the name and room number or location of the occupants of a building.

Directional Sign: An on-premises sign designed to be read by a person already on the premises and used only to identify and locate an office, entrance, exits, motor vehicle route, telephone or similar place, service or route.

Electric Sign: A sign containing electrical wiring.

Flush Sign: A sign erected on the face of a building, marquee, canopy or roof overhang in a place parallel to such face and not extending more than twelve inches (12") therefrom. A "flush sign" also includes a sign erected against supporting or ornamental columns supporting an overhanging roof in a place generally parallel to the nearest building face. An "attached flush sign" is a flush sign which does not extend beyond the corners of a building and is located under the eaves.

Freestanding Sign: An on-premises sign supported by one or more uprights or braces in the ground and detached from any building or structure.

Graffiti: Any inscriptions, words, figures, or designs that are marked, etched, scratched, drawn, painted, pasted or otherwise affixed to the surface of property without the permission of the owner.

Message Sign: A sign providing information by means of sequential illumination of lights contained in or upon the sign.

Motor Vehicle Directional Sign: A sign identifying motor vehicle entrances or exits to or from the premises on which the sign is located.

Nonconforming Sign: A sign which does not conform to the provisions of this Article.

On-Premises Sign: A sign which advertises only the business or the goods, products or facilities located on the premises on which the sign is located or the sale, rent or lease of the premises.

Principal Sign: The primary permanent on-premises sign designed primarily to identify or advertise a business or advertise a business or facility to motorists or pedestrians approaching the business or facility. A "principal sign" is limited to a combination, freestanding, flush or projecting sign.

Projecting Sign: A sign other than a flush sign which projects beyond the building face to which it is attached.

Roof Sign: A sign erected upon the roof of a building, roof structure or a flat canopy or marquee roof.

Second Principal Sign: A freestanding sign on the premises where the building is set back from the front property line, as hereinafter specified.

Secondary Marquee Sign: A marquee sign located only on an alley and under a canopy or flush to the building.

Secondary Wall Sign: An incidental, permanent on-premises flush sign.

Temporary Sign: A sign, banner, balloon, pennant, valance or advertising display constructed principally of cloth, paper, cardboard, plywood, wood, wallboard, plastic, sheet metal or similar lightweight materials with or without a frame and which is not permanently affixed to any sign structure, sign tower, pole or building. Except for a balloon, banner, pennant or valance constructed of cloth, flexible lightweight plastic, paper or cardboard, temporary signs shall be limited to signs displayed five feet (5') or less above ground level.

Under Marquee Sign: A sign erected under and supported by a marquee or canopy.

SHOPPING CENTER: A building or group of buildings planned and developed as a center on land with two (2) or more retail business occupancies existing or planned. A "shopping center" shall not include a business which does not participate in maintenance or promotional activities of the center, which fronts on an arterial or collector street and which has a marked segregated parking or use area separate from the shopping center parking or access areas. Two (2) or more businesses not otherwise qualified may voluntarily join to form a "shopping center" by executing a form provided by the building or zoning official including written consent of the owner or owners of the premises and for removal of nonconforming signs if the "shopping center" is discontinued.

STREET FRONTAGE: A lot line fronting a street or highway. The width along such lot line must be at least fifty feet (50') to qualify as a "street frontage", unless the premises has only one such frontage. Access to a street or highway is not required to establish a "street frontage" on a lot line fronting on a limited-access highway.

UNIFORM BUILDING CODE: The Uniform Building Code published by the International Conference of Building Officials as adopted by the City, a copy of which is on file for inspection in the office of the City Clerk61 and which is referred to as "UBC" in this Article.

ZONE: A zone established pursuant to the City Zoning Ordinance62. (Ord. 604, 11-16-1993, eff. retroactive to 7-20-1993; amd. Ord. 636, 12-5-1995)

8-2A-3: SIGN PERMIT AND FEE:

- A. Permit Required: No sign shall hereafter be erected, re-erected, constructed, altered or maintained until a sign permit has been issued, unless no permit is required under Section 8-2A-4. Where a group of signs is to be erected on the same building at the same time, each sign requires a separate permit. The application procedure is set forth in Section 8-2A-5.
- B. Fee: Before a sign permit is issued, a permit fee therefor shall be paid to the City as follows:
 - 1. The City Council may, at any time, adopt a resolution to adjust the permit fees. (Ord. 604, 11-16-1993, eff. retroactive to 7-20-1993)

8-2A-4: PERMIT EXCEPTIONS:

A sign permit shall not be required for routine maintenance, such as repainting and repair of existing signs. Exceptions are also made for exempt signs listed in Section 8-2A-7. However, a permit is required for a change of business name or any structural alteration to an existing sign. (Ord. 604, 11-16-1993, eff. retroactive to 7-20-1993)

8-2A-5: PROCEDURE:

Any person or firm contemplating the erection, installation or repair of any new or existing sign shall first consult with the City Administrator. The process for requesting a sign permit is as follows:

- A. Installer shall consult with the City Administrator and where appropriate will be provided with a sign permit application.
- B. The completed application shall be submitted with the appropriate fee and drawings to indicate the dimension, location and height of all existing and proposed signs for the subject business.
- C. Electric signs shall require notations to indicate capacity, power consumption and shall bear U.L. approval labels. A permit for an electric sign will not be issued until an Oregon State Building Codes electrical permit is presented to the Building Inspector.
- D. The Building Inspector may require additional information, such as photographs, needed to determine whether the proposal meets the requirements of this Article.
- E. Proof that the installer holds a current sign company license shall be presented if required.
- F. The Building Inspector will determine when the application is complete. The permit will be approved or denied within fifteen (15) days from the submittal date, unless referred to a City commission as herein provided. Variances and appeals will be processed as set forth in Section 8-2A-17.

- G. When approved, a permit shall be issued by the Building Inspector with the name of the sign erector thereon. The sign erector shall post the permit on site or retain the permit for inspection during construction. (Ord. 604, 11-16-93, eff. retroactive to 7-20-93)

8-2A-6: MEASUREMENT:

All signs shall be measured to include the entire sign area as follows. The area of a sign composed of individual block letters and/or individual decorative devices, displays, illustration, etc., or other attention-getting device, shall be the area included between two (2) sets of horizontal and vertical lines:

- A. The horizontal line shall be continuous to the top and bottom edges of the farthest projecting elements; and
- B. The vertical line shall be continuous to the furthestmost projecting lateral elements.
- C. Single signs with display faces on two (2) sides shall be measured on one face only. (Ord. 604, 11-16-93, eff. retroactive to 7-20-93)

8-2A-7: EXEMPT AND TEMPORARY SIGNS:

Unless determined by the City Administrator to be a hazard to motorists, pedestrians or property, the following signs are exempt from the permit process, but shall comply with the safe erection and maintenance standards of Section 8-2A-14, and with all specified standards of this Section.

- A. Official or Traffic Signs: Official sign, traffic sign or traffic signal, including but not limited to a sign identifying a public building or use or erected by a public officer performing an official duty under law, court or administrative officer.
- B. Directional Signs: Directional sign erected by public authority.
- C. Warning Signs: Warning sign erected to warn the public of a danger on, or limiting access to public and private property, limited to a maximum width dimension of two feet (2'), sign area of four (4) square feet, and maximum height of six feet (6').
- D. Building Identification: Permanent building identification limited to twenty four (24) square feet in a sign area and prohibited in residential zones.
- E. Numbers: House or building numbers limited to six inches (6") in height for dwellings of four (4) or less families and one foot (1') in height for other buildings.
- F. Name Sign: Name sign denoting the name of the owner or occupant, limited to two (2) square feet in sign area.
- G. Temporary Political Signs: Temporary political campaign signs shall be erected only on private property, and limited to a sign area of sixteen (16) square feet and a maximum horizontal dimension of eight feet (8'); placed ten feet (10') inside property lines when

located within ten feet (10') of intersecting street or alley property lines; maintained in a neat, clean and attractive condition. Signs may be erected during the campaign for a period of sixty (60) days prior to the election in which candidates or issues are to be voted upon. Such temporary signs shall be removed not later than the fifth day following the election.

- H. Temporary Nonprofit Signs: Temporary nonprofit signs identifying or advertising a nonprofit civic, charitable or benevolent event complying with the same requirements as temporary signs to be used for promotional purposes.
- I. Flags: Flags of the United States, State of Oregon, United States flag or State of Oregon Military Service, foreign countries, United Nations or civic, fraternal, veterans or charitable organizations.
- J. Seasonal Decor: Christmas or seasonal decorations as customarily used.
- K. Street Banners: Street banners approved by the City Administrator advertising a public entertainment or event and conditioned upon safe erection and maintenance and such conditions as the City Administrator may attach, including but not limited to insurance and bonding.
- L. Indoor Signs: Signs located inside a building unless such sign violates the watt capacity of subsection 8-2A-13P or is located in a residential zone.
- M. Benches: Benches with advertising thereon if approved by the Planning Commission.
- N. Nonilluminated directional and motor vehicle directional signs defined by Section 8-2A-2 and painted on paving or otherwise limited to a maximum height of four feet (4') and a sign area of eight (8) square feet.
- O. Temporary For Sale Signs: A temporary "for sale" sign not exceeding six (6) square feet in area with a maximum height of four feet (4'), may be erected upon private property; provided, that it advertises the sale, lease, or rental of the property upon which it is erected. One additional "for sale" or "open house" sign limited to the same size.
- P. Temporary Subdivision Signs: A temporary subdivision sign may be erected upon a tract of land designated as a subdivision advertising sale of the tract or lots in the tract. Such sign shall not exceed forty two (42) square feet in area. The sign shall be reduced in size by six (6) square feet for each lot less than seven (7) lots in the subdivision.
- Q. Promotional Signs: Temporary signs to be used for promotional purposes. Temporary signs may be used for promotional purposes, but only on private property and subject to the following:
 - 1. Temporary signs for promotional purposes may be erected for a period not to exceed two (2) weeks before the event advertised.
 - 2. No more than one "sandwich board" or "A-frame" shall be allowed for each premises.

3. A balloon, banner, pennant or valance constructed of cloth, flexible lightweight plastic, paper or cardboard, may be used as a temporary sign for promotional purposes only. The sign will be permitted for a period of seven (7) consecutive days in any month and then removed for a minimum of twenty two (22) days or the remainder of the month.
- R. Permanent Political, Ideological Signs: Permanent political, ideological, religious signs which convey a message but which do not advertise a product or service for sale, provided such signs shall be subject to all ordinances and regulations concerning size, placement, materials and the type and soundness of supporting structure.
- S. Murals: Murals which are mounted or painted upon an existing building or structure and which do not advertise a product or service for sale.
- T. Historic Landmark Signs: Historic landmark signs that are erected by the City or the owner of a historic building or placed in accordance with an official historic designation.
- U. Community Interest Signs: Community interests may be identified by the City on a temporary or permanent basis. Such signs may promote, but are not limited to the promotion of: community events, public parks and points of interest that serve a substantial public purpose.
- V. Garage Sale Signs: These signs are allowed, one to a premises, with a maximum of three (3) square feet in area.
- W. Building Directory Signs: Building directory signs are permitted in shopping centers and multi-tenant buildings. (Ord. 604, 11-16-93, eff. retroactive to 7-20-93)

8-2A-8: PROHIBITED SIGNS:

No sign shall be erected or maintained which:

- A. Bears or contains statements, words or pictures of an obscene, indecent or immoral character, such as will offend the public morals or decency.
- B. Extends or is erected (such as a roof sign), above the roof line of the building to which it is attached, except as provided in subsection 8-2A-13H.
- C. The Building Inspector determines to be in violation of ORS 483.138, which applies to signs creating confusion with or interfering with the effectiveness of traffic signs or signals.
- D. Is placed on, affixed to, or painted on a motor vehicle, vehicle or trailer and placed on public or private property for the primary purpose of providing a sign not otherwise permitted by this Article (exception: garage sale signs).
- E. Is a private sign placed on, painted on or affixed to any utility pole, tree or rock.

- F. Is located in an area of the city zoned residential, except for those signs designated in sections 8-2A-7, 8-2A-9 and 8-2A-10 of this article. (Ord. 604, 11-16-1993, eff. retroactive to 7-20-1993)
- G. By use of lights or illumination, creates an unduly distracting or hazardous condition to a motorist or pedestrian. (Ord. 631, 5-16-1995)
- H. Is graffiti.
- I. Is otherwise in violation of any provision of this article. (Ord. 636, 12-5-1996)

8-2A-9: SIGNS IN RESIDENTIAL ZONES:

These areas are not zoned for commercial use, but are permitted the following signs:

- A. One 2-square foot nonanimated, nonilluminated flush sign for homes with approved home occupation permits.
- B. Community service signs permitted by section 8-2A-10 of this article.
- C. Multi-family housing complexes with at least four (4) dwellings are allowed a flush or a freestanding sign no more than eight feet (8') above grade, as follows:

<u>Number of Dwelling Units</u>	<u>Sign Area</u>
4 to 8	12 square feet
9 to 15	24 square feet
16 to 24	32 square feet
25 or more	48 square feet

(Ord. 604, 11-16-1993, eff. retroactive to 7-20-1993)

8-2A-10: SIGNS IN COMMUNITY SERVICES OVERLAY ZONES:

These areas are zoned for community facility uses as an overlay to the primary (residential, commercial, etc.) underlying zone. Signs for the purpose of identification of a public or private facility which serves a substantial public purpose, including, but not limited to, churches, schools, hospitals, medical offices, clinics, radio/television stations and utility substations are permitted as follows:

- A. One flush or freestanding sign not to exceed forty eight (48) square feet in area. The top of a freestanding sign shall not exceed eight feet (8') above grade. (Ord. 604, 11-16-1993, eff. retroactive to 7-20-1993)

8-2A-11: SIGNS IN COMMERCIAL ZONES:

These areas are zoned for a variety of retail and service business uses, and are allowed the following signs:

- A. One principal sign, either flush, projecting or freestanding. If projecting or freestanding, limited to one square foot for each linear front foot of the major street frontage of the property with a maximum of one hundred (100) square feet, and subject to the requirements of subsection 8-2A-13C of this article.
- B. A second principal (freestanding) sign when allowed under subsection 8-2A-13B of this article. (Ord. 604, 11-16-1993, eff. retroactive to 7-20-1993)
- C. Commercial wall signs within the district shall be limited to an area of thirty two (32) square feet. Freestanding or projecting commercial signs shall be limited to an area of twenty four (24) square feet.
- D. Freestanding commercial signs shall be limited in height to a maximum of twenty feet (20'), as measured from the top of the sign to the finished ground level. Commercial wall and canopy signs shall not project above the roof eaves. (Ord. 710, 5-7-2002)

8-2A-12: SIGNS IN INDUSTRIAL ZONES:

These areas are zoned for a variety of industrial, manufacturing and limited commercial and residential uses. The following signs are allowed:

- A. The same signs as allowed in the commercial zones, section 8-2A-11 of this article. (Ord. 604, 11-16-1993, eff. retroactive to 7-20-1993)

8-2A-13: REGULATIONS BY SIGN TYPE:

- A. Principal Sign: A principal sign is limited to a combination, freestanding, flush or projecting sign.
- B. Secondary Sign: A secondary principal sign is a freestanding sign on the premises where the building is set back from the front property line.
- C. Freestanding and Projecting Signs: Such signs shall be located in conformity to the Zoning Ordinance and Building Code of the City.
 - 1. A freestanding sign shall not exceed a maximum height as approved by the Building Inspector for structural requirements.
 - 2. Signs may project twelve inches (12") over an alley with a minimum clearance of fourteen feet (14') above grade and may project an additional twelve inches (12") for each twenty four inches (24") of additional clearance above grade, to a maximum projection of thirty six inches (36").
 - 3. Except in alleys or other areas of vehicular traffic, a minimum of eight feet (8') clearance shall be maintained from the bottom of a projecting or freestanding sign, and the level of the sidewalk or grade immediately below at the building line with a maximum projection of twelve inches (12"). For each additional projection of six inches (6") the sign shall

have twelve inches (12") of vertical clearance above the eight foot (8') minimum requirement (see diagram at Section 8-2A-19). In no case shall the maximum projection exceed five feet (5') nor shall any sign extend closer to the street or alley than two feet (2') from the outer curb face or two feet (2') from the traveled surface where no curb is present.

4. Unless approved by the Building Inspector for a minimum number of braces on a building face not able to support a projecting sign, no projecting signs shall be supported by a frame commonly known as an "A-frame" or other visible frame located on a building roof.
5. To insure traffic safety, signs shall be located in accordance with the "Clear Visions Area" provisions of the City's Zoning Ordinance.

D. Flush Signs: Flush signs shall comply with the following standards and specification:

1. Maximum Area:
 - a. Residential Zones: Two (2) square feet in area. Multi-family complexes are allowed larger signs in accordance with subsection 8-2A-9C.
 - b. Shopping Centers: Twenty five percent (25%) of building front maximum.
 - c. Commercial and Industrial Zones: Fifty percent (50%) of building front maximum.
 - d. Community Services Overlay Zone: Forty eight (48) square foot maximum.
2. Placement and Projection:
 - a. The total sign area of all exterior walls shall not exceed the maximum allowed under subsection D1 of this Section.
 - b. Flush signs may be erected on the face of a building, marquee, canopy or roof overhang in a place parallel to such face and not extending more than twelve inches (12") therefrom, except that:
 - 1) A flush sign may also be erected against supporting or ornamental columns located under an overhanging roof in a place generally parallel to the nearest building face.
 - 2) A flush sign may be attached to the surface of an awning without further projection therefrom.

E. Message Signs: Message signs are permitted only in the Commercial and Industrial District.

F. Roof Signs: Roof signs are permitted in the Commercial and Industrial Zones only on low profile buildings and the top of roof signs shall not extend more than twelve feet (12') from sidewalk grade.

G. Secondary Marquee Signs: Secondary marquee signs are permitted only in shopping centers, Commercial and Industrial Zones and shall not be over eight (8) square feet in area, shall be located under a canopy or flush in an alley with a minimum of seven and one-half feet (7 1/2') clearance.

- H. Home Occupation Signs: Home occupation signs are permitted in the residential districts not to exceed two (2) square feet in area and flush mounted.
- I. Garage Sale Signs: These signs are allowed, one to a premises, with a maximum of three (3) square feet in area.
- J. Service Station Island Signs: Signs that designate type of fuel, promotional sign for fuel only and fuel price are allowed at the rate of four (4) square feet maximum per pump island. In addition, one sign designating fuel prices may be attached to a pole with the top of the sign not to exceed twelve feet (12') above ground level, with a maximum area of thirty two (32) square feet.
- K. On-Premises Signs: All on-premises signs must utilize at least fifty percent (50%) of the sign area for advertising the main business on the premises. Signs that contain more than fifty percent (50%) off-premises advertising shall be regulated under subsection O of this Section.
- L. Secondary Street Frontage Signs: Secondary frontage signs shall be of a flush type only. Size limits for secondary frontage flush signs are those given in subsection D of this Section. (Ord. 604, 11-16-93, eff. retroactive to 7-20-93)
- M. Electric Signs: Electric signs shall bear the Underwriters Laboratories, Inc., seal of approval. All electrical signs shall be installed in accordance with the Electrical Specialty and the One and Two Family Dwelling Electrical Code⁶⁴ as it regards distances from electrical lines. Electrical equipment used in connection with display signs shall be installed in accordance with the City ordinances regulating electrical installations. (Ord. 632, 6-20-95)
- N. Illuminated Signs: No sign shall be erected or maintained which, by use of lights or illumination, creates an unduly distracting or hazardous condition to a motorist or pedestrian. (Ord. 604, 11-16-93, eff. retroactive to 7-20-93)
- O. Off-Premises Advertising Signs (Billboards): Advertising signs shall be located only along U.S. Highway 730 and U.S. Interstate Highway 82 and in Commercial and Industrial Zones, as designated by the City Zoning Ordinance.
 - 1. Maximum Height: The maximum height above grade shall be twenty four feet (24'); but shall be increased to forty feet (40') in the Highway District.
 - 2. Outdoor Advertising Signs: Outdoor advertising signs shall have metal primary structural members.
 - 3. Size: The maximum number of advertising signs shall not exceed two (2) per five (5) miles along U.S. Highway 730 and two (2) per five (5) miles along U.S. Interstate Highway 82. Sign area shall not exceed six hundred seventy two (672) square feet, with maximum dimensions of fourteen feet (14') vertical and forty eight feet (48') horizontal. (Ord. 631, 5-16-95)

8-2A-14: MAINTENANCE, CONSTRUCTION AND SAFEGUARDS:

- A. Maintenance and Appearance: All signs and the site on which they are located shall be maintained in a neat, clean and attractive condition.
 - 1. Signs shall be kept from excessive rust, corrosion, peeling paint or other surface deterioration. The display surfaces, trims, frames and supports of all signs shall be kept neatly painted or otherwise neatly maintained, as applicable.
 - 2. On-premises ground signs shall be directly supported by poles or supports in the ground. No external cross-braces, guy wires, "T-frames", "A-frames", "trusses" or similar bracing systems shall be used in constructing a ground sign or freestanding sign.
- B. Design and Construction: Except as specified in this Article, design, loading, construction and material shall be those specified in the Uniform Building Code, as amended by the State and adopted by the City.
- C. Clearance and Safeguard: To insure public safety, the installation and maintenance of all signs shall be subject to the following provisions: (Ord. 604, 11-16-93, eff. retroactive to 7-20-93)
 - 1. The installation or erection of any sign requiring the operation of any crane or other equipment must be conducted in a manner so as to maintain a minimum clearance from any and all high-voltage electric power or other type electrical lines, as dictated by the Electrical Specialty and the One and Two Family Dwelling Electrical Code. (Ord. 632, 6-20-95)
 - 2. All freestanding sign installers must utilize the "call before you dig" utilities locate service (1-800-332-2344) offered by the Oregon Utilities Coordinating Council to insure clearance from underground utilities.
 - 3. All signs together with all of their supports, braces, guys and anchors shall be kept in good repair and be maintained in a safe condition. (Ord. 604, 11-16-93, eff. retroactive to 7-20-93)

8-2A-15: NONCONFORMING SIGNS:

- A. Generally: Signs and advertising structures which do not conform to the provisions of this Article but which lawfully existed and were maintained, shall remain lawful except as provided in this Section:
 - 1. A nonconforming sign which has been determined by the Building Inspector or City Administrator to be improperly maintained or unsafe shall be removed within thirty (30) days after notice as provided in subsection B of this Section.
 - 2. A nonconforming sign which is a temporary sign shall conform to the provisions of Section 8-2A-7 within thirty (30) days after notice.
 - 3. Nonconforming signs which violate the provisions of Section 8-2A-8, "Prohibited Signs", shall be removed within thirty (30) days after notice.

4. Nonconforming signs which are structurally altered, relocated or replaced shall immediately comply with all provisions of this Article.
5. Nonconforming signs which have been abandoned or those advertising a business that is no longer conducted in or upon the premises and has been so conducted for a period of sixty (60) days shall comply with this Article. Property owners shall display "for rent" or clearly indicate business is closed.
6. Nonconforming signs which were lawfully erected and maintained in areas outside of the corporate limits of the City and within the Umatilla Urban Growth Boundary shall be subject to the provisions of this Article, from its date of adoption by Umatilla County, forward.

B. Removal:

1. Abandoned Signs: Where an advertised business is no longer conducted in or upon the premises on which a sign is located, such sign shall be considered as an abandoned sign subject to removal by the person who owns the sign or the owner of the building, structure or premises on which the sign is located. The following are not subject to this abandoned sign provision:
 - a. An advertising sign where a person has merely leased or contracted advertising space thereon.
 - b. A sign to which the successor to a person's business location or business agrees to maintain as provided in this Article by the filing of a letter of intent with the City Administrator within thirty (30) days after notification of a violation of this provision.
2. Compliance Procedure and Removal:
 - a. Notice:
 - 1) Except for signs which the Building Inspector has determined to be unsafe signs which by reason of their condition present an immediate and serious danger to public safety, the Building Inspector or City Administrator shall give written notice of a nonconforming sign. The notice shall be given to the owner of the building, structure or premises on which the sign is located. Notices shall be sent by certified mail or be delivered personally to the building owner at his last known address, or address of record. The notice shall specify the violations of this Article and the time allowed for compliance. Except for unsafe signs, compliance shall be required within thirty (30) days from mailing or personal delivery of the notice, unless time is extended for good cause shown.
 - 2) In the case of an unsafe sign, the Building Inspector shall make a reasonable attempt to notify the sign owner of the building, structure or premises on which the sign is located. The type of notice and the time spent attempting notice shall be determined by the Building Inspector based upon the nature of the hazard and the immediacy of the threatened harm to person or property. Upon failure of notice after reasonable effort to give the same, or the refusal of the notified persons to comply with this Article within the time specified by the Building

Inspector, the Building Inspector may remove or cause others to remove the sign or make the minimum necessary repairs to remove the danger or hazard.

- b. Recovery of Costs: Where the City repairs or removes a sign which has been determined to be unsafe because it presents an immediate and serious danger to the public, the City may recover all costs incurred from the owner of the sign, or the owner of the building upon which the sign is erected, or both. When the sign owner also owns the real property upon which the sign is located, the costs incurred may be assessed against the property. The amount assessed shall be set forth by the City Council by this Article, and the lien created thereby shall be collected and foreclosed in the same manner as assessments for local improvements.
- C. Signs for Nonconforming Uses: A use which has been determined to be nonconforming pursuant to the City Zoning Ordinance, but which would ordinarily require a sign, if such use were located in an appropriate zoning district, shall be permitted a sign, subject to the requirements of the zone which best fits the nonconforming use, as determined by the City Administrator. (Ord. 604, 11-16-93, eff. retroactive to 7-20-93)

8-2A-16: ADMINISTRATION AND ENFORCEMENT:

- A. Inspection: The Building Inspector under the supervision and control of the City Administrator is hereby authorized and directed to enforce this Article. Upon the presentation of proper credentials, he may enter at reasonable times into or upon any building or premises in the City to inspect signs or carry out the duties and responsibilities imposed on him by this Article. The City Administrator may inspect or reinspect any sign to determine if it complies with this Article.
- B. Release from Liability: Neither the Building Inspector, City Administrator nor the City nor any of its authorized representatives shall be liable for any damages, costs or expenses for any failure to enforce the provision of this Article.
- C. Violation: No person shall erect, maintain, or use nor shall any person in control of any premises, permit the erection, maintenance or use of any sign which does not conform to and comply with the provisions of this Article. Nothing contained in this Article is intended to permit the erection or maintenance of any sign in violation of any other ordinances or State or Federal law. Violations of this Article shall be subject to the penalties hereinafter provided.
- D. Penalties: Any person who violates any of the provisions of this Article, upon conviction thereof shall be punished by a fine of not more than two hundred dollars (\$200.00). Each calendar day that a sign is in violation of this Article shall constitute a separate violation. (Ord. 604, 11-16-93, eff. retroactive to 7-20-93)

8-2A-17: VARIANCES AND APPEALS:

- A. Act on Requests: The Planning Commission of the City shall act on all requests for variances and appeals of sign permit determination by the City Administrator.

- B. Hearings: The Planning Commission shall conduct hearings for appeal and variance matters in the same manner and shall apply the same standards as are used for variance hearings conducted pursuant to Section 10-14-10 of this Code.
- C. No Action Pending Appeal: Except in the case of unsafe signs, no action shall be taken by the Building Inspector under this Article pending an appeal or variance request to the Planning Commission and during any further appeal to the City Council.
- D. Appeals: Any person aggrieved by a determination of the City Administrator may appeal to the Planning Commission. Upon appeal, the Commission may vary the requirements of this Article as permitted herein or it may:
 - 1. Decide questions arising out of interpretation of the Article.
- E. Exercise of Authority: In exercising its appeal or variance authority, the Commission may attach such conditions to either as it determines to be necessary to achieve the purposes stated in Section 8-2A-1 of this Article. (Ord. 604, 11-16-93, eff. retroactive to 7-20-93)

8-2A-18: SPECIAL PROVISIONS:

- A. Districts of Special Control: The Planning Commission shall have the authority to establish districts which must be at least one City block in length that would allow for variances of sizes, types, heights, etc., when:
 - 1. The area is shown to have, or it is desired to promote, a unique and beneficial display of desirable architectural, historic or historic area; or
 - 2. A group of commercial activities in an intensive commercial area joins together in a cooperative arrangement to sign their occupancies so as to create an unusual or unique display; but only after a plan showing all of the new sign arrangement and a petition of all property owners is presented to the City Planning Commission. After approval by the Commission is received, the plan will be forwarded to the City Council which shall either: by ordinance designate the district as one of special control, return it to the Planning Commission for correction or further study, or reject the plan.
 - 3. Once approved, the plan shall govern sign design, location, number and size within the special district. However, all other provisions of this Article, including but not limited to: permitting, safety, inspection and enforcement, shall have full force and effect. (Ord. 604, 11-16-93, eff. retroactive to 7-20-93)

8-2A-19: ILLUSTRATIONS:

(Ord. 604, 11-16-93, eff. retroactive to 7-20-93)

ARTICLE B. BILLBOARDS (Rep. by Ord. 621, 7-13-1994)

**CHAPTER 3
DANGEROUS BUILDINGS
(Rep. by Ord. 683, 2-16-1999)**

**CHAPTER 4
MOVING BUILDINGS**

8-4-1: PERMITS REQUIRED:

- A. Moving Building Permit: No person shall move any building or a part of any building within the City without first obtaining a moving permit therefor; provided, however, that this Section will not apply when moving a building within the confines of a lot or contiguous lots when not necessary to move the same over public property, public streets or alleys, or property belonging to another person.
- B. Building Permit: In addition to the permit to move the building, the applicant, contractor or owner will be required to obtain a building permit for any construction required to relocate the building within the City limits, and to bring the construction of said building up to the building code requirements for a new building in the same location within sixty (60) days from the time that the permit was issued. (Ord. 485, 6-21-82)

8-4-2: APPLICATION; FEES:

Any person desiring a permit required by Section 8-4-1 of this Chapter, will file a written application with the appropriate City official, which application shall set forth the size and dimensions of such building, the location of the building, the location to which it will be moved and shall designate the streets, avenues or alleys through, over and along which such building shall be moved and such other information as the appropriate City official may require. An inspection fee⁶⁵ may be set by resolution and shall be paid at the time of application for each permit. All permits shall be issued only upon the personal application of the permittee. (Ord. 485, 6-21-82; amd. 518, 10-21-85; 1993 Code)

8-4-3: PREREQUISITES FOR PERMIT:

- A. State License Required: The applicant for a building moving permit will show proof of being licensed by the State of Oregon to do the work requested.
- B. Inspection Required: The appropriate City official will inspect the building to be moved, and if it is found that the building is of substantial construction and in such condition that it may be moved without collapsing or falling apart and further finds that the building is designed and adaptable for the purpose, use or occupancy to which it is proposed to put the same at the new location, and that it conforms to the requirements of the Building and Zoning codes at the new location, then the appropriate City official will approve the permit application. The appropriate City official will further determine that the applicant has safe and sufficient equipment and facilities for moving the building. In addition the appropriate City official will require compliance with all provisions of this Chapter which are prerequisite to the granting of a moving permit.

- C. Deed Restriction: The appropriate City official will ask the permittee of proof that said building or structure to be moved is allowed in any deed restriction on the land upon which the building or structure is to be placed. (Ord. 485, 6-21-82)

8-4-4: PROCEDURES FOR MOVING BUILDINGS:

- A. Notice to Utilities: The applicant will, at the time of applying for each moving permit, submit to the appropriate City official a letter or other written notification from the public utilities, cable T.V. companies and/or others stating that they have been informed and have approved the proposed route.
- B. Route Proposed: The appropriate City official will personally examine the route proposed and the application for the permit shall be made at least forty eight (48) hours before the proposed moving date, holidays, Saturdays and Sundays excluded.
- C. Traffic Control: While moving a building sufficient passageway for vehicles upon one or both side of such building will be maintained upon any street, avenue or alley or provide a detour which is adequate to handle the existing traffic and that said detour will be approved by the Police Department. Movements will not be permitted during peak traffic hours, during hours of darkness, storm or unsafe driving conditions. (Ord. 485, 6-21-82)

8-4-5: PROPERTY DAMAGE:

The issuing of a moving permit shall not be construed to authorize the holder thereof to move or remove any utility poles or wires, or trees, traffic signals, or signs, or other public or private property without first obtaining permission from the owner thereof. If in moving a building damage is inflicted upon any public or private property, repairs, replacement or restitution shall be promptly made to the satisfaction of the owner. (Ord. 485, 6-21-82)

8-4-6: PERMIT CANCELLATION:

Any permit granted hereunder may be cancelled at any time by the granting authority upon proof satisfactory to it that the permittee has violated any of the terms of the permit, or that the permit was obtained through misrepresentation in the application therefor, or when in the judgment of the granting authority the public interest requires cancellation. (Ord. 485, 6-21-82)

8-4-7: PENALTIES:

- A. Any permittee who shall suffer any building or structure to remain in or on any of the streets, alleys, thoroughfares, highways or sidewalks, or upon any of the public grounds of the City for longer than will be specified in the permit, commits a Class D civil violation and like penalty for every twenty four (24) hours the same will be continued, and such building will be deemed a nuisance and may be aborted as provided by ordinance.
- B. Any person violating any of the provisions of this Chapter, shall, upon conviction, be punished by the imposition of a Class B civil fine⁶⁶. Each day that the offense continues or

that a person operates without a permit will constitute a separate offense. (Ord. 485, 6-21-82; 1993 Code)

CHAPTER 5 DUST CONTROL

8-5-1: DEFINITION:

"Blowing" as used in this Chapter means erosion by wind which in turn subjects other properties to dust from the blowing material on said building project. (Ord. 346, 7-7-75)

8-5-2: INTENT:

- A. The intent of this Chapter is to prevent a builder from allowing dust to originate from the building site both during and after construction until sale thereafter to a buyer which shall thereafter be responsible for the dust or the builder as owner-manager shall thereafter be responsible for the dust. It means that a contractor cannot hereafter erect a structure and upon completion merely let the property sit and erode away as dust to the detriment of the surrounding properties.
- B. The contractor or the builder or developer for which the contractor completes the construction shall be liable to prevent the "blowing" as herein set forth. (Ord. 346, 7-7-75)

8-5-3: APPLICATION OF PROVISIONS:

This Chapter applies to all builders where the project involves disturbing the earth, or hauling in fill material which can blow, whether the builder is an individual, a tract developer, a contractor builder or a builder of a speculative structure or structures. (Ord. 346, 7-7-75)

8-5-4: CONTROL MEASURES:

- A. Control Methods: Every person shall take and maintain positive steps to immediately control from blowing any fill material or any soil which the project disturbs. Said steps shall be either by a water sprinkling system, sprinkler truck, gravel blanket, sod, straw or other agent which will positively prevent the blowing of the disturbed soil and/or fill material which is placed by said builder where the fill material may also be subject to "blowing".
- B. Maintenance: The positive control measures used by the builder must be effective and must be maintained until the property has been sold to the first buyer or the builder puts in his/her own manager and thereafter will be subject to the nuisance ordinance relating to uncontrolled dust originating upon a person's property. (Ord. 346, 7-7-75)

8-5-5: INCLUSION IN OTHER PROVISIONS:

- A. Building Permit: Every building permit issued by the City henceforth shall be subject to the requirement of this Chapter.

B. Performance Bond: The requirement of this Chapter shall be included in the coverage of the contractor's or builder-developer's performance bond which in turn shall be subject to damage claims for failure to abide by this Chapter. (Ord. 346, 7-7-75)

8-5-6: PENALTIES:

A. Close Down: Violation of this Chapter shall be grounds for the immediate closing down of the offending construction project by the Building Inspector. (Ord. 346, 7-7-75)

B. Penalty: Violation of this Chapter is punishable by the imposition of a Class A civil fine⁶⁷. (Ord. 514, 2-25-85; 1993 Code)