

# Title **21** : ADDITIONAL REGULATIONS

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## Chapter 21.02: Driveway Width

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### **21.02.010 PURPOSE**

Driveways shall be monitored to ensure the existence of adequate access, while simultaneously limiting the amount of cut access space that exists to any one area.

### **21.02.100 SINGLE CAR GARAGE**

#### 1. Minimum

A. The minimum access for a single car garage shall be ten (10) feet in width.

#### 2. Maximum

A. The maximum access for a single car garage shall be twenty (20) feet in width.

### **21.02.200 TWO CAR GARAGE**

#### 1. Minimum

A. The minimum access for a two car garage shall be twelve (12) feet in width.

#### 2. Maximum

A. The maximum access for a two car garage shall be twenty-four (24) feet in width.

### **21.02.300 THREE OR MORE CAR GARAGES**

#### 1. Minimum

A. The minimum access shall be fourteen (14) feet in width.

#### 2. Maximum

A. The maximum access shall be twenty-eight (28) feet in width.

# Chapter 21.04: Sidewalks

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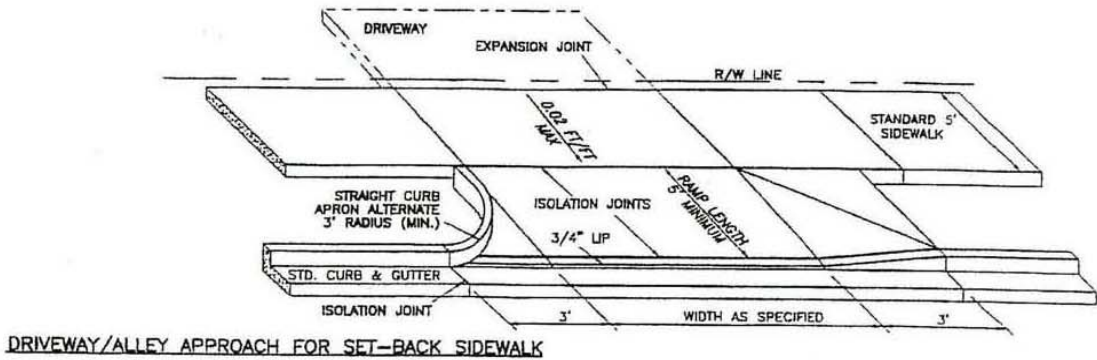
## 21.04.010 PURPOSE

Sidewalk criteria are established to reduce the confusion that is sometimes created as a result of City specifications and Americans with Disability Act (ADA) requirements.

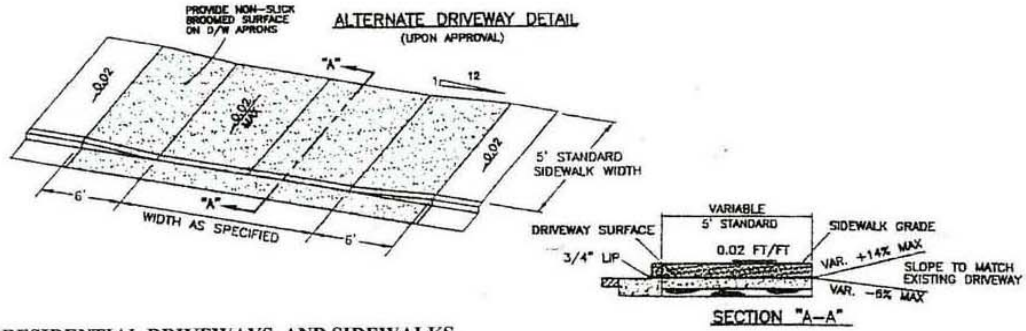
## 21.04.100 SIDEWALK CRITERIA

1. All residential driveways and sidewalks through driveways shall have a nominal concrete thickness of six (6) inches. Alley approaches and commercial driveways shall be a nominal thickness of eight (8) inches. The actual start of this would be below grade so you would not see 6 inches of asphalt above grade.)
2. Concrete for commercial driveways, alley approaches, and the included sidewalk shall have a compressive strength of 4,000 pounds per square inch (PSI) after 28 days. Residential driveways, and included sidewalks, shall be class 3330 concrete. Requiring reinforcement would be out of the norm and would be rather expensive to require. We could always encourage residence and the like to reinforce but this is not the norm anymore based on the quality of concrete)
3. Sidewalks shall include one or more tooled joints depending on the width of the approach or driveway.
4. For sidewalk details see Standard Drawing 00700-3 below.
5. When installing approaches adjacent to an existing roadway, remove and replace pavement as necessary to a two (2) foot minimum width.

Figure 1 Standard Drawing 00700-3



DRIVEWAY/ALLEY APPROACH FOR SET-BACK SIDEWALK



**NOTES:**

1. ALL RESIDENTIAL DRIVEWAYS, AND SIDEWALKS THROUGH DRIVEWAYS, SHALL HAVE A NOMINAL THICKNESS OF 6" OF CONCRETE. ALLEY APPROACHES AND COMMERCIAL DRIVEWAYS SHALL BE A NOMINAL THICKNESS OF 8".
2. CONCRETE FOR COMMERCIAL DRIVEWAYS, ALLEY APPROACHES, AND THE INCLUDED SIDEWALK SHALL HAVE A COMPRESSIVE STRENGTH OF 4000 PSI AFTER 28 DAYS. RESIDENTIAL DRIVEWAYS, AND INCLUDED SIDEWALK, SHALL BE CLASS 3330 CONCRETE.
3. CONSTRUCT ONE OR MORE TOOLED JOINTS DEPENDING ON THE WIDTH OF THE APPROACH OR DRIVEWAY.
4. SIDEWALK CANNOT BE PART OF THE APPROACH.
5. FOR SIDEWALK DETAILS SEE STD DWG 00700-3.
6. WHEN INSTALLING APPROACHES ADJACENT TO AN EXISTING ROADWAY, REMOVE AND REPLACE PAVEMENT AS REQUIRED. (2' MIN.)
7. SINGLE GARAGE - 20 FOOT THROAT  
 2 CAR GARAGE - 24 FOOT THROAT  
 3 CAR GARAGE - 28 FOOT THROAT

## Chapter 21.06: Foundations

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### **21.06.100 HUB & TACK**

All foundations shall be hub and tacked by a registered land surveyor prior to building permit issuance. The City shall use this hub and tack as the official marker of the building.

# Chapter 21.10: Sprinkling of Certain Buildings and Fire Hydrant Requirements

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## **21.10.010 PURPOSE**

Fire support and enforcement is critical to ensure the health and safety of citizens.

## **21.10.100 FIRE SPRINKLERS IN RESIDENTIAL ZONES**

Any residential building taller than thirty (30) feet, from the lowest ground point along the building to the tallest peak of the building, is required to install an interior sprinkler system as required by the Molalla Fire Department and Building Official.

## **21.10.120 FIRE SPRINKLERS ON FLAG LOTS**

Habitable structures shall include a sprinkling system when located on a flag lot having a flag length greater than seventy-five (75) feet or where the Fire Department believes it necessary for public health and safety.

## **21.10.140 FIRE SPRINKLERS ON ALL OTHER DEVELOPMENT**

Sprinkling shall occur on all other developments if they exceed thirty (30) feet in height or if the Building Official or Fire Marshall deems such fire sprinkling necessary for public health and safety.

## **21.10.200 FIRE HYDRANTS GENERAL**

1. Fire hydrants shall remain unobstructed and clear of debris at all times.
2. Fire hydrants shall be required at the time a street is improved in new development or redevelopment.

**21.10.220 PUBLIC FIRE HYDRANTS**

1. Public fire hydrants shall only be painted red or yellow.
2. All public fire hydrants shall require a 4” Stortz connection as required by the Molalla Fire Department.

**20.10.240 PRIVATE FIRE HYDRANTS**

Private fire hydrants shall be painted orange. Private fire hydrants shall be required to provide a 4” Stortz connection if required by the Molalla Fire Department.

**21.10.280 ORNAMENTAL FIRE HYDRANTS**

Ornamental fire hydrants shall not be placed in such a manner as to be mistaken for a workable fire hydrant. Ornamental fire hydrants shall also not be red, yellow, or orange in color or resemble these colors.

**21.10.300 Oregon and Metro Fire Code**

The City of Molalla hereby adopts the State of Oregon Fire Code along with Metro’s Fire Interpretation Manual.

**21.10.400 Reflective Hydrant Markers**

1. Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be blue. They shall be located adjacent and to the side of the center line of the access road way that the fire hydrant is located on. In case that there is no center line then assume a center line, and place the reflectors accordingly.
2. This shall be required on all new development where the road way is added or improved upon.

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### **21.12.100 CHANGE OF USE REQUIREMENTS**

1. Any change of use that differs from the existing or previous use is required to go through a change of use.
2. The Planning Director shall, at a minimum, review the parking requirements for all changes of use.
3. If the Planning Director deems the change of use to be a change from the previous use, the use shall go through a design review procedure pursuant to MMC 18.38 of the MMC.
4. The Building Official shall also review the change of use through the building permit process.

### **21.12.200 PERMITTING PROCESS**

A person proposing a change of use shall submit an application to the Planning Director. The Planning Director shall circulate the application to the Public Works Director and other city agencies as appropriate.

### **21.12.300 FEE**

A change of occupancy shall be subject to a fee as set by City Council Resolution.

## Chapter 21.16: Landscaping

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### **21.16.010 PURPOSE**

Landscaping is a necessary element of development. All landscaping shall be completed or bonded prior to final inspection of the development.

### **21.16.100 INSPECTION & OCCUPANCY**

1. No home or business shall take occupancy of a building until a certificate of occupancy is completed. Failure to obtain a certificate of occupancy prior to occupying the home shall result in fines, disconnection of water and sewer, revocation of building permit(s), and/or a revocation of business license(s).
2. Landscaping shall be complete at the time of a final inspection. The Building Official shall ensure that all landscaping is in place at the time of final inspection. Failure to have landscaping complete or bonding in place at the time of final inspection will result in a denial of the final inspection and the house will be deemed incomplete.

### **21.16.200 BONDING**

1. A builder may file a bond in lieu of landscaping under the following conditions:
  - A. When a final inspection would occur between the months of November and February.
  - B. If abnormal weather patterns are anticipated to cause problems with the landscaping.
  - C. When other good cause exists as determined by the Planning Director in the Director's sole discretion.
2. The Planning Director may require bonding if the Director finds the quality of the landscaping or conditions poor enough to threaten the viability of the landscaping.

**21.16.210 BONDING PROCEDURES**

1. Landscaping Bids

- A. Any application for a bond shall be accompanied by a minimum of three (3) bids from qualified landscape professionals.
- B. The Planning Director may require additional bids if the Director believes the bids submitted are not within a reasonable range of likely costs.

**21.16.220 BONDING COSTS**

The bond shall be in the amount of 110 percent of the cost selected.

**21.16.230 ENFORCING THE BOND**

- 1. The Planning Director may request the landscaping to be completed by a date certain as weather permits. Failure to complete the landscaping within fifteen (15) days of the specified date shall allow the Planning Director to use the bond to complete the project.

## Chapter 21.18: Disposal of Debris from Construction Sites

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### **21.18.010 REQUIRED**

All debris generated from construction sites within the City shall be removed from the site before a certificate of final action and/or a certificate of occupancy are issued for the structure or structures located on the 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.

## Chapter 21.20: Address Display Requirements

1. The owner of each structure assigned an address shall place and maintain the address number on the door, the door frame, the main entrance to the building, or in any other readily visible area on the building from the street most parallel to the entrance. The Building Official, the City Engineer or the Fire Marshall may require lettering in a specific or different location if the official believes that relocation is necessary to make the numbers readily visible from the street. Failure to place or maintain address numbers as required by this section is a violation.
2. The numbers may be made or painted with any material, as approved by the Planning Department, so long as numbers are readily visible from the street
3. Numbers on structures shall be at least six (6) inches tall. The Building Official, the City Engineer or the Fire Marshall may require larger lettering in a specific circumstance where necessary to make the numbers readily visible from the street. The City shall encourage the owners of existing structures to replace such numbers with numbers at least six (6) inches tall for the purpose of promoting public safety and encouraging timely emergency response.
4. The owner of a flag lot shall place a sign a minimum of twenty-four (24) inches off the ground, stating the address of the flag lot. This address sign shall be at the entrance of the flag lot adjacent and visible from the public right of way. The sign shall be made of a material that is not glaring or intrusive but allows emergency services to easily locate and identify those properties from the public right of way.

## Chapter 21.30: Flags

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### **21.30.100 FLAGS, GENERAL**

1. Official national, state and local government flags or banners when installed in a manner that meets city ordinances and when flown and maintained with the respect due to these symbols of honor and authority, as specified by the U.S. Flag Code, are allowed as outright uses in all zones.
2. The flag structure should not exceed twenty feet in height or 110% of the maximum height of the primary structure on the property whichever is greater. All structures over ten (10) 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.
3. The City shall not allow the banning of the American flag in the Contract, Covenants and Restrictions (CCR's) of any development. The City will work with all developments to ensure the flag is an integral part of every development.

# Chapter 21.40: Swimming Pools

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## 21.40.100 APPLICATION

The provisions of this chapter control the design of barriers for residential swimming pools, spas, and hot tubs. These design controls are intended to provide protection against potential drowning and near drowning by restricting access to swimming pools, spas and hot tubs.

## 21.40.200 OUTDOOR SWIMMING POOL

An outdoor swimming pool, including in-ground, above-ground or on-ground pools, hot tubs or spas shall include a barrier that complies with the following:

1. The top of the barrier shall be at least forty-eight (48) inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two (2) inches measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four (4) inches.
2. Openings in the barrier shall not allow passage of a four (4) inch diameter sphere.
3. Solid barriers that do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five (45) inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed one and seventy-five hundredths (1.75) inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and seventy-five hundredths (1.75) inches in width.
5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five (45) inches or more, spacing between vertical members shall not exceed four (4) inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and seventy-five hundredths (1.75) inches in width.
6. Maximum mesh size for chain link fences shall be one and twenty-five hundredths (1.25) inch square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than one and seventy-five hundredths (1.75) inches.
7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than one and seventy-five hundredths (1.75) inches.

8. Access gates shall comply with the requirements set above and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward, away from the pool, and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than fifty-four (54) inches from the bottom of the gate, the release mechanism and openings shall comply with the following:
  - A. The release mechanism shall be located on the pool side of the gate at least three (3) inches below the top of the gate, and
  - B. The gate and barrier shall have no opening greater than one-half (0.5) inch within eighteen (18) inches of the release mechanism.
9. A pool shall not be located within the front yard area.

## Chapter 21.50: Abatement of Building Nuisances

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### **21.50.010 DANGEROUS BUILDING DEFINED**

For the purpose of this chapter the term “dangerous building” means any building or structure that has any or all of the conditions or defects hereinafter described, provided that such conditions or defects endanger the life, health, property or safety of the public or the occupants of the buildings or structures:

1. When a 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. When the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half (1½) times the working stress or stresses allowed in State Building Code, for new buildings of similar structure, purpose or location;
3. When any portion the building has been damaged by fire, earthquake, wind and flood, or be any other cause, to such an extent that the structural strength or stability of the building is materially less than it was before such catastrophe and is less than the minimum requirements of the State Building Code, for new buildings of similar structure, purpose or location;
4. When any portion of member or appurtenance of the building is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;
5. When any portion of the 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 (1/2) of that specified in the State Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the State Building Code for such buildings;
6. When any portion of the building has wracked, warped, buckled or settled to 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;
7. When the building or structure, or any portion thereof, because of (1) dilapidation, deterioration or decay; (2) faulty construction; (3) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (4) the deterioration, decay or inadequacy of its foundation; or (5) any other cause, is likely to partially or completely collapse;

8. When, for any reason, the building or structure or any portion thereof is manifestly unsafe for the purpose for which it is being used;
9. When an exterior wall or other vertical structural member lists, leans or buckles to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third (1/3) of the base;
10. When the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (1) an attractive nuisance to children; (2) a harbor for vagrants, criminals or immoral persons; or as to (2) enable persons to resort thereto for the purpose of committing unlawful or immoral acts;
11. When a building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to the building or structure provided by the building regulations of the City, as specified in the State Building Code, Volume I, or State Building Code, volume III, Housing, or of any law or ordinance of this State or City relating to the condition, location or structure of buildings;
12. When a 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 fifty (50) percent, or in any supporting part, member or portion less than sixty-six (66) percent of the (1) strength; (2) fire resisting qualities or characteristics; or (3) 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;
13. When 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 County Health Department to be unsanitary, unfit for human habitation or in such condition that is likely to cause sickness or disease;
14. When a building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire resistant construction, faulty electrical wiring, gas connection or heating apparatus, or other cause, is determined by the Fire Marshall to be a fire hazard;
15. When a building or structure is in such a condition as to constitute a public nuisance;
16. When a 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 (6) months so as to constitute an attractive nuisance or hazard to the public;

#### **21.50.020 MAINTENANCE OF DANGEROUS BUILDINGS**

Any person who is the owner of, or is in possession of any dangerous building within the City and knowingly permits the building to be or remain dangerous for a period of ten days after receipt of notice as provided in section 21.50.040 of this chapter is guilty of a violation of this chapter.

### **21.50.030 HEARING – NOTICE**

Whenever the Building Official finds or is of the opinion that there is a dangerous building in the City, it shall be the Building Official's duty to report the same to the City Council. Thereupon the City Council shall, within a reasonable time, fix a time and place for public hearing on the report. The City Recorder shall provide notice of the hearing to the owner of record of the property on which the building is located, the tenant or occupant of the building, and any person or corporation having a lien of record against the property. The notice shall state, in general terms, that a hearing will be held concerning the property and the time and place thereof. At the hearing, the City Council shall determine by resolution whether or not the building is dangerous. The City Council may, as a part of the hearing, inspect the building and the facts observed by the City Council at such inspection may be considered by it in determining whether or not the building is dangerous. At the hearing the owner or other person interested in the property or building shall have the right to be heard, if the owner or person requests the same.

1. Notice required in this section shall be provided by personal service or registered or certified first class mail upon the owner of record of the premises whereupon the building is located, the tenant or occupant of the building, and any person or corporation having a lien of record against the property, if any or all shall be found in the City.
2. Said notice shall be given to such persons or corporation not less than ten days prior to the date of the hearing before City Council.

### **21.50.040 DETERMINATION OF CITY COUNCIL – COMPLIANCE**

At the hearing the City Council shall have the power to order any building declared to be dangerous, removed and abated, if in its judgment such removal and abatement is necessary in order to remove the dangerous condition. The City Council may order the building made safe and to prescribe what acts or things must be done to make the building safe. Notice of the findings and of any orders made by the City Council shall be given to the owner of the building, the owner's agent and to the tenant or occupant of the building. If the City Council orders are not obeyed and the building rendered safe within the time in the specified in the order, the City Council may arrange to have the building removed or made safe and the costs thereof assessed as a lien against the property.

### **21.50.050 CITY MAY ABATE LIEN**

In the event the City Council orders the building removed or made safe, the Council must specify with convenient certainty the work to be done and shall file a statement to that effect with the recorder. The City shall advertise for bids for the completion of the work. All costs incurred by the City to remove the building or make it safe shall be assessed the property on which the building is located. The assessment shall be declared by an ordinance, entered in the docket of the City liens and thereupon become a lien against the property. The creation of a lien and the collection and enforcement of the costs shall be done and performed in substantially the same manner as in the case of the cost of street improvements, but irregularities or informalities in the procedure shall be disregarded.

**21.50.060 DANGEROUS BUILDINGS DECLARED NUISANCE**

Every building or part thereof that is found by the City Council to be a dangerous building is declared to be a public nuisance and may be abated according to the procedure described in this chapter or by a suit for abatement brought by the City in the Clackamas County Circuit Court. In addition, the Chief of Police or the Building Official may proceed summarily, without prior action by the City Council, to temporarily abate a condition in or on a dangerous building which such official finds to be an unmistakable danger to public health or safety, and from which there is imminent danger to human life or property. Emergency abatement action shall be the minimum necessary to remove the imminent danger to human life or property and such actions shall be promptly reported to the City Council.

**21.50.070 BUILDINGS USED FOR ILLEGAL MANUFACTURE**

Any building or any portion thereof that has been used for the illegal manufacture or distribution of hazardous chemicals or materials is declared a dangerous building.

**21.50.090 VIOLATION – PENALTY**

Any person or corporation violating any of the provisions of this chapter shall upon conviction thereof be punished by imprisonment in jail for a period not exceeding thirty (30) days, or by a fine not exceeding five hundred dollars, or by both. Each day the violation exists constitutes a separate offense.

1. The owner of any dangerous building within the City shall not knowingly allow a building to be or remain dangerous after ten (10) days from the date that a notice to abate has been mailed and no written protest has been filed.
2. A person shall not fail to abate a nuisance within the time provided in the Notice and Order of the Building Official.
3. Violation of this ordinance is a Class 1 Civil Infraction and shall be processed in accordance with the procedures set forth in Building Code (BC) 2.10.010 through 2.10.050.
4. The requirement to abate a public nuisance is not a penalty for violating this ordinance but is an additional remedy.

## Chapter 21.60: Hazards

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### **21.60.050 DESTRUCTION OF RESTRICTED USES**

Structures occupied by such uses may be rebuilt if destroyed, provided replacement construction complies with the development and design standards of MMC chapter 18.38, application for development approval is filed within six (6) months and construction commences not more than one (1) year after destruction of the original structure.

### **21.60.100 USES INVOLVING HAZARDOUS MATERIALS**

1. Any use, project or establishment that includes or proposed to include or allow any of the following:
  - A. Type H Occupancy” as defined and regulated by the State Structural Specialty Code with Oregon Amendments.
  - B. Outside storage of flammable, combustible, explosive or regulated materials as governed by the Uniform Fire Code or the Fire Code Ordinance of the Molalla Fire Department.
  - C. Use ore release of biological agents requiring bio-safety containment precautions as determined by the National Institutes of Health or the U.S. Center for Disease control.
  - D. Use or release of an “extremely hazardous substance,” or a “hazardous chemical,” or a “toxic chemical” in quantities requiring reporting under, and as such terms are defined in, the Emergency Planning and Community Right-to-Know Act of 1986 (Title III of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C.A. Sec 55.11001 to 55.11050) and its associated Federal and Oregon State regulations.
  - E. Use or release of any materials classified as regulated materials under administrative rules adopted under this subsection.
2. Any use, project or establishment is exempt and shall not require a Hazardous Materials Permit if the applicant’s use of regulated materials:

3. If a use, project or establishment is not exempt under the provisions of paragraph (B), above, a Hazardous Materials Permit shall be issued only upon demonstration that all of the following criteria, are met:
  - A. The use, project or establishment proposes to use regulated materials in such quantities, combinations, and under such manner of use, conditions and precautions that a leak, explosion, fire or accident at the building or site containing or proposed to contain the regulated material(s) is unlikely to:
    - 1) Release such regulated materials at levels greater than  $\frac{1}{2}$  the recognized level deemed to be "Immediately Dangerous to Life and Health" (IDLH) as defined and determined by the Structural Specialty Code and/or the Uniform Fire Code for the material, substance or agent in question.
    - 2) Release such regulated materials at levels the National Institutes of Health and/or the U.S. Center for Disease Control have determined to be hazardous to the life or health of those coming into contact with the material, substance or agent.
4. An application for any Building or Engineering Permit shall not be deemed complete unless the application submittal includes one (1) of the completed documents listed below. Any application for a land use action or permit shall either include one (1) of the completed documents or the applicant shall simultaneously apply for an exemption or Hazardous Materials Permit along with, but separate from, the land use application.
  - A. A signed and binding affidavit by the applicant stating the proposed use, project or establishment is exempt from the Hazardous Materials Permit process by virtue of the fact that the proposed use, project or establishment shall not contain any regulated materials.
  - B. An Exemption Certificate.
  - C. A Hazardous Materials Permit.
5. Requirements for establishing the Hazardous Materials Permit Process. The application for Hazardous Materials Screening shall provide the following information:
  - A. An inventory of regulated materials to be used on the applicant's premises.
  - B. An estimate of the maximum quantity of such regulated materials to be used on the premises at any given time.
  - C. A statement of how and in what manner the regulated materials are to be used.
  - D. A statement describing the specific methods and technology to be employed to ensure the safe use and containment of the regulated materials.
6. Upon receipt of the application for Hazardous Materials Screening, together with the required fee, the Planning Director, or designee, shall review the application for completeness and compliance with subsection (1.B.(2)) above, and shall advise the applicant regarding submittal of any additional materials necessary to comply. If the Planning Director determines that additional material must be submitted, the applicant may submit such material within 180 days of receipt of the original application. If the Planning Director, or designee, determines the submittal to be complete, the Planning Director, or designee, shall review the Hazardous Materials Screening submittal and issue a determination within ten (10) business days.

7. If a Hazardous Materials Containment and Mitigation Review are required, the applicant shall file an application for a review and pay a deposit sufficient to offset the actual cost including any consultant's report(s) ordered by the Review Body. The amount of the deposit shall be based on a schedule that takes into account the size, scope and nature of the project, as well as the number, type and amount(s) of regulated materials in question. The City shall keep an accurate record of the direct, indirect and overhead costs of the Hazardous Materials Containment and Mitigation Review. Any unexpended portion of the deposit shall be refunded to the applicant. Any additional cost in excess of the deposit shall be due to the City upon completion of the Committee's final report and paid before its release. Upon receipt of the application for Hazardous Materials Containment and Mitigation Review, together with the required fee, the Review Body shall review the application for completeness and compliance with subsection (1.B.(2)) above, and shall advise the applicant regarding submittal of any additional materials necessary to comply with subsection (1.A.(7)). If the Committee determines that additional material must be submitted, the applicant may submit such material within 180 days of receipt of the original application.
8. Except as otherwise herein provided, the application for a Hazardous Materials Permit shall be reviewed and a decision rendered by the Review Body. The Review Committee shall be comprised of the following individuals or their designees:
  - A. The Fire Marshall
  - B. The Public Works Director
  - C. The Planning Director
  - D. The Building Code Official
9. The Hazardous Material Containment and Mitigation Review shall determine if the proposed use, project or establishment, meets or can be modified or mitigated to meet, the criteria set forth.
10. At the direction of the committee, the applicant shall supplement the information required for the Hazardous Materials Screening process by providing:
  - A. Any applicable statement, standards or specifications describing the industry standards for the safe use and containment of the regulated material in question. Industry standards as used here include applicable governmental regulations as well as standards developed by industry trade, technical and scientific societies, associations, groups and institutes.
  - B. A statement from the applicant demonstrating how the applicant's specific methods and technology to be employed for the safe use and containment of the regulated materials fits with or deviates from the industry standards.
  - C. Additional technical, engineering and/or scientific information necessary to the Committee's decision.

- D. If the proposed project has already entered the design phase or if it is a replication of an existing development using the same or substantially similar technology, the Committee may request detailed drawings and specifications that show proposed plans and measures designed to ensure that the proposed use, project or establishment will achieve the criteria and meet all pertinent aspects of the Structural Specialty Code, the Uniform Fire Code, and any other pertinent City Ordinance related to the permitting, siting and/or regulation of such uses, projects or establishments. An application may be denied if the committee finds that the information, data, plans or drawings required in the decision-making process are inadequate, incomplete or have not been provided in a timely fashion.
11. The Hazardous Materials Containment and Mitigation Review process shall include a specific notice to potentially affected property owners within an appropriate distance of the applicant's site to achieve the intent of the Community Right-to-Know Act and any applicable State law or administrative rule. Alternatively, if allowed by state law or administrative rule, the notice may be published in the Newspaper of general circulation in the area at least fourteen (14) days prior to the hearing.
- A. Notification shall be as follows:
- 1) At a minimum 500 feet from the subject property(s).
  - 2) At the Planning Director's discretion a larger notice area may be required.
  - 3) In the most severe cases, all residents of the City as well as County agencies (to determine if further county notice is required) shall receive notice.
12. A public hearing on the Hazardous Materials Containment and Mitigation application shall be held within thirty (30) days after the information is required as set forth in this code. A public hearing notice shall be sent no less than fourteen (14) days prior to the public hearing. The hearing shall be open to the public and shall be conducted on the record of material and testimony submitted by the applicant, any consultant's report requested by the Review Committee, and any other testimony received at the hearing. At the discretion of the Review Committee, the hearing may be continued, but in no case may the hearing be continued beyond fifty (50) days after the initial filing has been deemed complete unless the applicant voluntarily waives state statutory rights to a final decision within a particular period of time. A decision shall be rendered by the Review Committee not more than ten (10) business days after the last evidentiary session.
13. Pursuant to the Hazardous Materials Containment and Mitigation Review, the Review Committee may find that the use, project or establishment includes or proposes to include use of regulated materials, that.
- A. Are in fact, below the established minimum thresholds of concern and require no other regulatory action.
- B. Are deemed too dangerous, either alone or in combination with other materials either proposed for use by the applicant or preexisting in the proximate area, to allow the proposed use in a densely populated area, such as the TTCPA, thereby requiring denial of a Hazardous Materials Permit.

- C. Are above the established minimum threshold or in combination so as to be of concern, and are proposed for use in such manner that the best available technology and/or mitigation measures for that particular application have not been clearly demonstrated to be capable of meeting the criteria for approval, thereby requiring denial of a Hazardous Materials Permit.
  - D. Are above the established minimum threshold or contained in combination so as to be of concern, but may be granted a Hazardous Materials Permit subject to certain conditions. Such conditions of approval may include, but are not limited to:
    - 1) Restrictions on the quantity of regulated materials allowed to be on site.
    - 2) Prohibitions against certain combinations of regulated materials being on site or within certain proximity of each other.
    - 3) Special conditions for storage; the application of best technology.
    - 4) Additional buffering or containment controls; provisions for regular and/or spot compliance inspections, reporting and inventory requirements, and/or periodic updating of emergency response plans.
    - 5) Notice to the Fire Department when materials are brought on site.
    - 6) Other mitigation measures as determined by the Committee to be appropriate to the specific application and circumstances such that upon implementing and maintaining the conditions of approval the risk that a proposed use, project or establishment will be a danger to public health or safety is significantly reduced.
14. If the Committee finds that the applicant fails to meet the criteria and denies the issuance of a Hazardous Materials Permit, the denial shall not have bearing on other aspects of the use, project or establishment or on the use of other regulated materials for which a permit has or may be issued. Nor shall denial of the Hazardous Materials Permit preclude approval of any land use action, Building or Engineering Permit.
  15. If the Committee denies the application for a Hazardous Materials Permit, the applicant may, upon proper application and payment of the appropriate fee, appeal to the Molalla City Council. Any such appeal shall be filed within seven (7) days from the date the Notice of Decision was mailed. If no appeal is filed within seven (7) days, the City's decision on the permit shall become final on the eighth (8) day after the Notice of Decision was mailed. A hearing before the Council shall be based on the record compiled during the Hazardous Materials Containment and Mitigation Review. Notice of Appeal shall be provided to all participants in the Hazardous Materials Containment and Mitigation Review process. The criteria for decisions by the Council shall be those listed in this code. Unless waived by the applicant, any decision of the Review Committee shall be rendered within 120 days of the date when the original application was deemed complete. Notwithstanding any other provision of the Zoning Code, the decision of the Council is final.
  16. Because of the above procedure it is not necessarily a full engineering and structural or Fire Code review of the construction plans and specifications, participation in this process does not preclude further investigation, analysis and requirements at the Building Permit stage of development. However, an applicant may submit the materials and information developed for the Hazardous Materials Screening or Containment and Mitigation Review towards satisfaction of those requirements.

17. If the Committee finds the applicant fails to meet the criteria in subparagraph (1.B.(3)) and denies issuance of a Hazardous Materials Permit, but the applicant changes the process, procedures or use of the regulated material in question and prepares detailed plans and specifications clearly demonstrating that the approval can be met, the applicant may, upon proper application and payment of appropriate fees, file for reconsideration by the Committee.
18. Except as provided herein, any affidavit, exemption certificate or Hazardous Materials Permit presented to the City pursuant to the requirements of this chapter, shall apply only to the specific use, project or establishment in question; shall remain valid throughout the permit period and shall be transferable to subsequent owners of the facility. However, if any variable important to the decision making process is altered or if there is a change of occupancy type, a change in process, a change in the type, quantity or combination of regulated materials used at the site, or any other consequential change that would materially affect the determination as to whether the use, project or establishment is permitted, the affidavit, exemption certificate or Hazardous Materials Permit shall be deemed null and void and a new application required. If not deemed exempt or granted a new Hazardous Materials Permit within sixty (60) days of such change, such operations at the establishment shall be prohibited and shall cease. A continuing violation of prohibited operations shall be a violation for each such day of operation, shall be subject to the maximum fine as provided in the Molalla Municipal Code for each violation, and may be subject to other legal action.

**21.60.200      REQUIREMENTS FOR ESTABLISHING THE HAZARDOUS MATERIALS PERMIT STANDARDS**

1. The Review Body shall hold public hearings and accept testimony in order to develop administrative rules to accomplish the purpose and requirements of this subsection. In establishing the rules, the Review Committee may also incorporate by reference, in whole or in part any rules, regulations, standards, guidelines and model regulations adopted or developed by Federal, State, or local governments, public agencies, public interest groups or industry trade associations which the Committee deems germane and of value to the City.
2. In developing and implementing the Hazardous Materials Permit process, the administrative rules may be approved and become effective in more than one phase. The first phase shall, at a minimum, establish:
  - A. An “Exemption List” of regulated materials that are required to be periodically reported to the City, but that is exempt from the need for a Hazardous Materials Permit.
  - B. A “Regulated Materials List” of hazardous materials, substances and agents that may require a Hazardous Materials Permit.
    - 1) A “Prohibited Materials List” of regulated materials that, by their nature and action, are deemed to be to potentially dangerous to the public health and safety, regardless of concentration or amount, to be allowed within densely populated areas.
    - 2) A procedure for updating the lists.

- C. The Review Committee shall then develop and recommend to the City Council consideration and adoption objectives standards for each listed regulated material which may require a Hazardous Materials Permit.
- 1) The minimum threshold level of concern (concentration, volume, weight, etc.) that will trigger a Hazardous Materials Permit process.
  - 2) Impermissible combinations of selected regulated materials that may, due to chemical or synergistic reaction, trigger hazardous conditions beyond those caused absent the possibility of such combination or reaction.
  - 3) A standard set of conditions of approval (control technology, mitigating measures, etc.) to be applied where a given regulated material is beyond the minimum threshold of concern but where, if such conditions of approval are implemented and maintained, the regulated materials may be permitted.
  - 4) Minimum periodic reporting standards and procedures.
  - 5) Other objective standards deemed necessary to help preserve the health and safety of those within the area of concern.
- D. Whether or not a Hazardous Materials Permit is required under this subsection, if a use, project or establishment contains regulated materials, it shall also comply with the requirements of the Department of Environmental Quality concerning these matters. Unless specifically preempted by state or federal law in these matters, if there is a conflict between state or federal regulations and this subsection, the provisions of the state and federal government shall supersede and prevail.

# Chapter 21.70: Excavation, Fills, Grading and Erosion Control

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## 21.70.040 INTENT

1. It is the intent of this chapter to insure that any excavation or fill adjacent to public right-of-way or within a public easement, designated waterway, or floodplain overlay zone:
  - A. Creates an imminent danger to public safety or public facilities.
  - B. Does not create a public nuisance known to common law or in equity jurisprudence.
2. (The following definitions will be added to the definition section if they do not already exist: Adjacent, Approved, Approved Discharge Point, Backfill, Drainage Course, Excavation, Fill, Floodplain, Qualified Engineer, Waterway)

## 21.70.080 SCOPE

The scope of this chapter shall include the following items as they relate to excavations, and fills regulated by this chapter:

1. Under what circumstances permits are required and specific exclusions;
2. Limitations imposed on excavations and fills;
3. Surface and subsurface water drainage;
4. Inspection of excavation and fill work before, during, and after completions, and;
5. Alternatives to the limitations set forth in this chapter.

### **21.70.100 EXCAVATIONS; PERMIT REQUIRED**

1. No person shall do any grading without first having obtained a grading permit from the Planning Department. In appropriate instances, the Planning Director may, upon showing by the applicant that one of the following categories applies, allow an exception to this chapter:
  - A. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five (5) feet after the completion of such structure.
  - B. Cemetery graves.
  - C. Refuse disposal sites controlled by other regulations.
  - D. Excavations for wells or utilities.
  - E. Mining, quarrying, excavating processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
  - F. Exploratory excavations under the direction of soil engineers or engineering geologists
  - G. An excavation that:
    - 1) Is less than two (2) feet in depth, and
    - 2) Does not create a cut in slope greater than five (5) feet in height and steeper than one and 1/2 horizontal to the vertical.
  - H. A fill less than one (1) foot in depth and placed on natural terrain with a slope flatter than five (5) horizontal to one (1) vertical, or less than three (3) feet in depth, not intended to support structures, which does not exceed fifty (50) cubic yards on any one (1) lot and does not obstruct a drainage course.
  - I. In all cases a permit shall be obtained when more than fifty (50) cubic yards of soil is removed or added.
  - J. All residential properties shall obtain a permit and submit a simple grading plan. Single-family lots shall provide a grading and erosion control plan at time of subdivision grading and at time of permit issuance for each lot.
  - K. A permit is required for the placement of any fill material adjoining a public right-of-way or easement (or future public right-of-way or easement or within or adjacent to a designated waterway or within a floodplain overly zone) or for moving more than fifty (50) cubic yards.

### **21.70.120 PERMIT ISSUANCE**

An applicant shall complete a grading, excavation, fill and erosion control permit application provided by the Planning Director. The form shall disclose or be accompanied by the following information:

1. Identification of the work as excavation or fill.
2. Legal description of property involved.

3. Identification of soil type if soil is to be removed from one location and placed in fills at another location.
4. Each application for a permit under this section shall be accompanied by two sets of drawings. The minimum required shall be a plan view of the property drawn to suitable scale with the following:
  - A. Lot lines shown and their dimensions given.
  - B. North Arrow
  - C. Street and curb line locations and elevations (if applicable)
  - D. Both existing and final grades depicted by contour lines at two-foot intervals. Contours shall not be interpolated from U.S.G.S. contour maps.
  - E. Intended method of proper storm water drainage (if applicable).
  - F. Recorded easement and right-of-way locations.
  - G. The director may require additional information on the plan view or require cross-section views. In addition, the Planning Director may require additional data or studies necessary to evaluate the impact of the proposed work; and, in geologically hazardous areas, floodplain overlay zone or other unstable areas, may require information such as the name and address of the permittee, property owner, owner's engineer, contractor, and other persons associated with the work.
  - H. The application shall be accompanied by the written concurrence, in recordable form, of the holders of any private easements and rights-of-way affected by the proposed excavation or fill.
  - I. The Planning Director shall either issue or deny the permit, or notify the applicant that additional information is required pursuant to this section. In the event that additional information is required, the Planning Director shall either issue or deny the permit, or notify the applicant of what additional time will be necessary to review and evaluate the additional information submitted.
  - J. In the event a permit is denied, the Planning Director shall furnish the applicant with a written statement of the reasons therefore.
5. Applications for development over five (5) acres in size shall include an engineers report.
6. The Building Official may request an engineers report for any application he deems necessary.
7. All fill shall be compacted to a minimum 90 percent of maximum density as determined by the American Society for Testing and Materials (ASTM) Test D1557-78 Method A. Field density shall be determined in accordance with Test (ASTM) D1556-82 or equivalent as approved by the Building Official.

**21.70.130 SCOPE OF WORK AUTHORIZED BY PERMIT**

1. The issuance of a permit under the provisions of this chapter shall be held to authorize work only in accordance with the provisions of this chapter, the approved plans, and work necessarily implied there from.

2. The issuance of such a permit shall not be construed to be a permit for or approval of any violation of the provisions of this chapter, or any other applicable law or ordinance. The issuance of a permit based on submitted plans shall not thereafter prevent the Planning Director from requiring correction of errors or apparent violations contained therein, or from preventing operations being carried on there under when in violation of any applicable law or ordinance.

#### **21.70.150 PLAN REVIEW AND PERMIT FEES**

Every application for a plan review and for a permit required by this chapter shall be accompanied by a fee as prescribed by resolution of the City Council.

#### **21.70.180 TERM AND TERMINATION OF PERMIT**

Every permit issued by the Planning Director under the provisions of this chapter shall expire and become null and void if the work authorized by the permit is not commenced within 180 days from the date the permit is issued or if the work authorized by the permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before the work can be recommenced, a new permit shall be obtained accompanied by a fee set by City Council resolution.

#### **21.70.250 PROHIBITED FILLS; PARTICULAR STANDARDS**

1. Fill shall not obstruct a natural drainage course unless provisions for an alternative drainage method are made and approved by the Oregon Division of State Lands and the Public Works Director.
2. Fill shall not be placed in a recorded or platted easement designated for public utilities without consent of the easement holder or, in the case of platted easements, the Public Works Director.
3. Fill shall not be placed in floodplain overlay zones and waterways, except when such fills are placed under a permit issued by the Oregon Division of State Lands.

#### **21.70.280 ALTERNATIVES**

The limitations imposed in this chapter may be varied by the Planning Director if a qualified engineer designs and oversees the prescribed work and provides the Planning Director with all supportive data necessary to establish, to the Planning Director's satisfaction, that the alternative design provides equal or better safety, durability, and protection of adjacent property than compliance with the standards of this chapter.

#### **21.70.300 SURFACE AND SUBSURFACE DRAINAGE**

Excavation or fill shall not create a slope that causes surface drainage to flow over adjacent public or private property in a volume or location materially different from that which existed before the excavation or fill. Surface and subsurface drainage caused or affected by changing of grade or uncovering subsurface sources such as springs shall be collected by an approved means and carried to an approved discharge point.

#### **21.70.400 GRADING INSPECTIONS**

1. Slopes. The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control shall consist of effective planting or such other measures as the Public Works Director may determine. The protection for the slopes shall be installed as soon as practicable and prior to final approval. Where cut slopes are not subject to erosion due to the erosion resistant character of the materials, such protection may be omitted.
2. Other devices or methods shall be employed to control erosion and provide safety.

#### **20.70.420 INSPECTIONS**

The Planning Director shall be notified at least 24 hours, but no more than 72 hours prior to the commencement of any excavation or fill work requiring a permit. Inspections may occur at any time throughout the project. A work schedule may be required at the discretion of the Planning Director when notice of such requirements is given at the time of the permit issuance. A final inspection is required of all fill work and an approved set of plans shall be provided to the inspector.

## Chapter 21.80: Dark Skies

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### **21.80.010 PURPOSE**

The purpose of the Molalla Dark Skies Ordinance is to regulate outdoor lighting in order to reduce or prevent light pollution. This shall mean, to the extent reasonably possible, reducing or preventing glare and light trespass and conserving energy while also promoting community safety and security.

### **21.80.050 SCOPE & APPLICABILITY**

1. New Lighting – All exterior outdoor lighting installed after the effective date of this chapter in any and all zones in the City shall conform to the requirements established by this chapter and other applicable ordinances unless otherwise exempted. This ordinance does not apply to indoor lighting.
2. Existing Lighting – All existing lighting shall be modified to conform to the provisions of this chapter at the time the City issues a development permit or building permit for the property on which the lighting is located. If the value of work done to the location exceeds \$50,000, all lighting on the property must be brought into full compliance before reoccupation or reuse.
3. Nonconforming Use or Structure – If a nonconforming use or structure has been abandoned for more than twelve (12) months, all lighting on the property must be brought into full compliance before reoccupation or reuse.
4. Conformity shall occur prior to issuance of Certificate of Occupancy, Final Inspection, or Final Plat Recording, when applicable. For other permits, the applicant shall have a maximum of thirty (30) days before reoccupation or reuse.
5. Preferred Light Source – Low-Pressure Sodium (LPS) lamps are the preferred illumination source throughout the City and their use is encouraged.
6. When an existing fixture is replaced, the replacement fixture shall meet the requirements of this chapter.
7. Lighting may be more restrictive elsewhere in the Molalla Municipal Code, but not less restrictive.

8. All governmental agencies, federal, state or county, which operate within the City limits of Molalla, may obtain exceptions as approved by the City Manager and/or City Council to comply with the provisions of this chapter.
9. In the event a provision of this chapter conflicts with a provision of any other chapter of the Molalla Municipal Code, the more restrictive requirement shall apply.

#### **21.80.100 EXEMPTIONS AND EXCEPTIONS**

1. Residential fixtures consisting of lamp types with 2,050 lumens or less. Examples include:
  - A. 100 Watt Standard Incandescent and less.
  - B. 100 Watt Mid break Tungsten-Halogen (quartz) and less.
  - C. 25 Watt T-12 Cool White Fluorescent and less.
  - D. 18-Watt Low Pressure Sodium and less.
2. Federally funded and state funded roadway construction projects to the extent necessary to comply with federal and state requirements.
3. Fossil Fuel Light – Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.
4. Full cutoff street lighting, which is part of a federal, state, or municipal installation.
5. Holiday Lighting.
6. Lighting of sports facilities or stadiums.
7. Specialized lighting necessary for the safety, such as navigation or runway lighting of airports, or temporary lighting associated with emergency operations, road hazard warnings, etc.
8. Traffic control signals and devices.

#### **21.80.200 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 to the intent of this division and has been approved by the building official.

The Building Official may approve an alternative design provided the Building Official finds that:

1. It complies with the applicable specific requirements of this chapter.
2. It has been designed or approved by a registered professional engineer and complies with the purpose of this division.

### **21.80.300 SUBMITTALS**

All applications for building permits or land use planning review that 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 purpose of this ordinance.

1. The submittal shall contain the following information and submitted as part of the site plan to the Planning and Building Department for approval.
  - A. Plans indicating the location, type, intensity, and height of luminaries including both building and ground mounted fixtures.
  - B. A description of the luminaries, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer.
  - C. Photometric data, such as that furnished by the manufacturer, showing the angle of light emission and the foot-candles on the ground.
2. Applications for single/multi-family residential or other projects where any single outdoor light fixture exceeds (2,050 lumens output) shall be required to comply with paragraph 1 above).

### **21.80.400 GENERAL STANDARDS**

The following general standards apply to all outdoor lighting installed after the effective date of this ordinance unless exempted above:

1. Area Lights – All area lights, including street lights and parking area lighting shall be full cutoff 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 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 the equivalent output shall be the limit for the other light type.
2. 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.
3. Illumination Levels – Illumination levels and uniformity shall be in accordance with current recommended practices of the illuminating Engineering Society. Recommended standards for the illuminating engineering society shall not be exceeded.
4. 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:
  - A. The public and private benefits which will result from the temporary lighting.
  - B. Any annoyance or safety problems that may result from the use of the temporary lighting.
  - C. The duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Building Official.

- Towers – All radio, communication and navigation towers that require lights shall have dual lighting capabilities. Lights may only be used in accordance with FAA requirements.

**21.80.500 PROHIBITED LIGHTING**

- Newly installed fixtures, which are not full cutoff fixtures.
- Lighting which presents a clear hazard to motorists, cyclists, or pedestrians.
- Laser Source Light – The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

**21.80.900 APPEALS**

If an application is denied, the applicant may appeal the decision to the Planning Commission. The fee for an appeal shall be set by City Council Resolution.

**21.80.950 VIOLATIONS**

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

**Table 1: Requirements for Lighting**

Lamp Type	25	30	35	40	50	60	75	100	100 or more
Low Pressure Sodium	Unshielded	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield	Directed Shield
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	Directed Shield	Directed Shield	Directed Shield	Directed Shield
Incandescent	Unshielded	Unshielded	Unshielded	Unshielded	Unshielded	Unshielded	Unshielded	Unshielded	Unshielded

- 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\***

<b>Wattage</b>	<b>Low Pressure Sodium</b>	<b>High Pressure Sodium</b>	<b>Metal Halide</b>	<b>Fluorescent</b>	<b>Quartz</b>	<b>Mercury Vapor</b>	<b>Incandescent</b>
9	-	-	-	600	-	-	-
18	1,800	-	-	-	-	-	-
35	4,725	2,250	-	-	-	-	-
40	-	4,000	-	2,250	-	-	480
50	-	-	-	-	1,400	1,140	480
55	7,925	-	-	-	-	-	-
60	-	-	-	-	-	-	870
70	-	5,800	5,500	-	-	-	-
75	-	-	-	-	-	2,800	1,190
90	14,400	-	-	-	-	-	-
100	-	9,500	8,000	-	-	4,300	1,750
110	-	-	-	6,600	-	-	-
150	-	16,000	-	-	-	-	22,850
175	-	-	14,000	-	-	8,600	-
200	-	22,000	-	-	-	-	44,010
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 21.90: Trees

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21.90.010 PURPOSE

The purpose of this tree ordinance is to provide a system for tree retention to support and enhance the City’s theme as a Recreation Community.

21.90.020 TREE RETENTION

- 1. A group of trees that is, on average, eight (8) feet tall or greater shall not be reduced by more than thirty (30) percent.
2. This section does not apply to hazardous trees or when there is no practicable alternative to removing the trees, as determined by the Planning Director in the Director’s sole discretion.
3. Any tree that is removed shall be replanted on the same lot within one (1) year unless the Planning Director determines that an adequate number of trees remain on the property.
4. All new development shall incorporate trees within the development.
5. When a protected tree lies within an area where development is scheduled to occur and no alternative exists to removing the tree, a new tree must be planted for every tree that is removed.

21.90.030 PERMIT REQUIRED

A permit shall be obtained for removal of any tree that stands eight (8) feet tall or higher. A fee shall be paid as approved by the City Council.