

CHAPTER 151: DEVELOPMENT REGULATIONS

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GENERAL PROVISIONS

151.01 STREET NAMING.

(A) *Naming of streets and avenues.* There shall be a uniform system of naming and designating all avenues in the city by designating the avenues commencing with the west boundary of the city and running thence eastward.

The presently designated Seventh Avenue West shall be and is hereby named Ash Avenue; the presently designated Sixth Avenue West shall be and is hereby named Birch Avenue; the presently designated Fifth Avenue West shall be and is hereby named Cedar Avenue; the presently designated Fourth Avenue West shall be and is hereby named Douglas Avenue; the presently designated Third Avenue West shall be and is hereby named Elm Avenue; the presently designated Second Avenue West shall be and is hereby named Fir Avenue; the presently designated First Avenue West shall be and is hereby named Grove Avenue; the presently designated Stillwell Avenue shall

be and is hereby named Stillwell Avenue; the presently designated First Avenue East shall be and is hereby named Ivy Avenue; the presently designated Second Avenue East shall be and is hereby named Main Avenue; the presently designated Third Avenue East shall be and is hereby named Pacific Avenue; the presently designated Fourth Avenue East shall be and is hereby named Laurel Avenue; the presently designated Fifth Avenue East shall be and is hereby named Madrona Avenue; the presently designated Sixth Avenue East shall be and is hereby named Nestucca Avenue; the presently designated Miller Avenue shall be and is hereby named Miller Avenue; the presently designated Park Avenue shall be and is hereby named Park Avenue; the presently designated Del Monte Avenue shall be and is hereby named Del Monte Avenue; the presently designated Manor Avenue between the presently designated West Sixth Street and the presently designated West Ninth Street shall be and is hereby named Manor Place; that certain avenue between the presently designated East First Street and the presently designated East Third Street shall be and is hereby named Ocean Place; that certain avenue between the presently designated East First Street and the presently designated East Third Street presently designated Goodspeed Avenue shall be and is hereby named Goodspeed Place.

(B) *Numbering of buildings.* There shall be a uniform system of numbering all houses, stores and other buildings, except sheds and outbuildings, erected or to be erected within the city limits, by placing on the door or door frame of the main entrance to the buildings, or as near thereto as practicable, the number assigned thereto, as hereinafter provided, which numbers to be painted on the building, or on metal or glass, or by a metallic figure used at the option of the owner and so placed as to be readily seen from the street. The figure designating the number, whether painted or otherwise, to be artistic and not less than three inches in height.

(C) *Bases for numbering.* The base for numbering houses west to east shall be the west city limits, the north to south shall be Front Street, and the numbering east from the west city limits shall be in regular order commencing with 1,000 and adding 100 numbers per block for each block added in distance from the west city limits to the east city limits.

(D) *East and west numbering.* On streets running east and west, the numbers on the north side of the street shall be even numbers; those on the south side of the street shall be odd numbers; those on the north side to run from two to 16 inclusive; and those on the south side from one to 15 inclusive.

(E) *North and south numbering.* On all avenues and places running north and south, the numbering shall commence on Front Street and continue to the south city limits. The numbers on the west side shall be even and the numbers on the east side odd, and the numbering shall be from two to 16 inclusive on the even and one to 15 inclusive on the odd.

(F) *Effective date.* All houses or buildings now erected shall be numbered as herein provided on or before December 31, 1951, and all houses or buildings hereafter erected shall be numbered before being occupied.

(G) *Penalty.* The owner of any house or building required by this section to be numbered, who shall fail, refuse or neglect to comply with the provisions of this section, shall be subject to the provisions

of ' 151.99.

(Ord. 1283, passed 12-16-2013, Ord. 1285, passed 3-3-2014) Penalty, see ' 151.99

DEVELOPMENT CRITERIA FOR FLOODPLAIN AREAS

' 151.16 BUILDING AND FILLING RESTRICTIONS IN THE FLOODPLAIN.

(A) The city recognized that a large number of acres within the city limits is within a floodplain. The City Council, therefore, desires that further building regulations be placed on development in flood areas in order to reduce losses from flooding and dictate wise use of buildable floodplain land.

(B) In the supplement to the city flood management regulations adopted through the city zoning ordinance, the following development regulations shall apply:

(1) Prior to the issuance of a building permit or development permit for any development within a floodplain area as designated on NFIP maps, a development plan must be approved by the City Planning and Zoning Commission. This development plan shall be submitted as adopted in CCT 153.020 and shall comply with all proposed standards specified in the flood hazard overlay zone section of the zoning code. Should the proposed development plan include any filling, excavation or moving of soil, it must conform CCT 053.020. The aforesaid evaluation shall be stamped and signed by a registered professional engineer licensed by the State Board of Engineering Examiners and qualified to conduct hydrologic and hydraulic evaluations. The city may engage, at the developer's expense, a registered engineer to review proposals and reports submitted by developers as well as make recommendations to the city on the development plan's flood hazard impacts.

(Ord. 1283, passed 12-2-2013)

' 151.19 RETENTION OF AGRICULTURAL PRACTICES.

(A) It is recognized that, through annexation, many pre-existing, nonconforming uses will remain. These nonconforming uses are subject to regulations as specified in the city zoning ordinance.

(B) For agricultural farming practices within or adjacent to a newly annexed parcel of land, the additional following policies shall be recognized.

(1) Much of the property adjacent to Highway 101 North city limits is designated by the county for agricultural use. It shall be the policy of the city to protect agricultural operations from potential conflicts arising from highway commercial activities. Accepted agricultural practices adjacent to or within the city may create noise, dust, odors or other inconveniences for the owners or users of the commercial properties. However, the city does not consider it the agricultural operator's responsibility to modify accepted practices to accommodate highway commercial areas. The city expects that the owners of the highway commercial property shall not allow activities on their properties which create

management difficulties, fire hazards or increased costs for adjacent agricultural operations, and shall not hold agricultural operators or the city responsible for noise, dust, odors or other inconveniences resulting from accepted agricultural practices.

(2) On existing agricultural parcels within city boundaries, any change to more intense farming activities shall require prior approval by the City Planning Commission through an appropriate public hearing process. An example of a more intense activity would be the converting of a dairy practice into a hog farm or animal feed lot. The Commission shall have the responsibility to interpret the allowability of other similar uses.

(Ord. 1283, passed 12-2-2013)

BUILDING DEMOLITION AND MOVEMENT

' 151.20 SITE WORK OF BUILDINGS DEMOLISHED BY FIRE OR MECHANICAL MEANS.

(A) *Building wholly or partially destroyed.* Any building within the limits of the city that is wholly or partially destroyed by fire or is partially torn down or dismantled, or is demolished by any means shall not be permitted to be or become a public nuisance.

(B) *Site work required.* Within 60 days of the partial or total dismantling or demolition or burning of a building, the following requirements shall be met:

- (1) All unsalvageable building materials shall be removed to an approved site;
- (2) All unburned materials and trash shall be removed to an approved site;
- (3) Any basement excavations, pits or trenches shall be filled or properly fenced;
- (4) All sewer lateral connections shall be properly capped and located for future use;

(5) Salvageable materials must be neatly stacked for storage during the 60-day period following the demolition or burning of a building and shall be removed from the premises (site of the demolished or burned building) within the 60-day period; and

- (6) Site shall be graded to a uniform gradient.

(C) *Public nuisance.* Failure to comply with all of the requirements of division (B) above shall be deemed a public nuisance.

(D) *Violation.* Any person who is the owner of land, or who is in possession of land on which there exists a demolished or burned building which is a public nuisance in violation of this section, shall, upon conviction be subject to the penalties provided in a Class B infraction as provided in state law.

(Ord. 1144, passed 4-1-1996) Penalty, see ' 150.99

' 151.21 MOVING OF BUILDINGS.*(A) Moving of buildings; bond.*

(1) Before a building may be moved, the person, firm, association or corporation moving the building shall file with the Recorder a surety bond in favor of the city in an amount specified by the City Manager. The surety bond shall be conditioned upon faithfully performing the obligations imposed by this section. In lieu of a bond an insurance certificate shall be filed with the City Manager subject to his or her approval.

(2) Any person or persons, firm, association or corporation which shall move any building along and upon any street or alley within the corporate limits of the city shall move the same in a manner as to do the least possible damage to the streets, alleys, crosswalks, sidewalks and private property of all kinds within the city. In case of any damage to private property by reason of the use of any street or alley, the person, firm, association or corporation which shall have charge of the moving of any building causing the damage shall be responsible to the owner of the damaged property therefor.

(3) A building permit shall be obtained from the Building Official prior to moving a building, and the moved building shall meet the requirements of the Uniform Building Code in effect at the time the building is moved.

(B) Disturbance of wires or poles. Whenever in the moving of any building upon any street or alley of the city it shall be necessary or expedient to cut, break or take down any telegraph, telephone or electric light wire or pole lawfully erected within the city, the person, firm, association or corporation moving the building shall, 24 hours before cutting, breaking or otherwise molesting any telegraph, telephone or electric light wire or pole, notify the owner thereof or his or her agent or representative within the city of the necessity of the breaking, cutting or removal; and if the owner, during the period of 24 hours, fails to take action that will permit the passage of the building, then the person, firm, association or corporation moving the building may himself, herself or themselves cut, break or remove the wire or pole, doing no unnecessary damage thereby; and after the passage of the building, the person, firm, association or corporation shall at his, her, its or their own expense immediately repair or restore the wire or pole. In the event of failure to make the repair immediately after the passage of the building beyond the point of obstruction, upon conviction thereof, the person or persons at fault shall be fined as set forth in ' 150.99.

(C) Damage to sidewalks or crosswalks. In case of damage to any sidewalk or crosswalk within the city by reason of the moving of a building, the person, firm, association or corporation moving the building shall, within 24 hours after the building has passed the point of the damage, repair and restore the sidewalk or crosswalk to its former condition; and in default thereof, the person or persons at fault shall, on conviction thereof, be fined as set forth in ' 150.99.

(1977 Code, ' 7-1) (Ord. 138, passed 10-6-1902; Ord. 729, passed 8-3-1959; Ord. 865, passed 3-2-1977; Ord. 1039, passed 11-21-1983) Penalty, see ' 150.99

(D) Intergovernmental Agreement for Building Code Services. The City and Tillamook County have entered into an agreement for Building Code Services and regulation of Oregon Building Code. (TSO II, Agreement 489, passed 7-16-2014).

' 151.99 PENALTY.

(A) *Generally.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) *House numbering.* Any person violating the provisions of provisions of ' 151.05, shall, upon conviction thereof before the City Recorder, be subject to a fine of not less than \$1 or more than \$5 for each day's neglect or refusal and shall be punished accordingly, and in default of the payment of the fine shall be imprisoned in the city jail until the fine shall be paid, but not to exceed one day's imprisonment for each \$2 of the fine.

(1977 Code, ' 8-2)

(C) *Moving of buildings.*

(1) *Disturbance of wires or poles.* Any person violating ' 150.02(B) shall, upon conviction thereof, be fined in the sum of not less than \$100 nor more than \$250.

(2) *Damage to sidewalks or crosswalks.* Any person violating ' 150.02(C) shall, on conviction thereof, be fined not less than \$100, and not more than \$400.

(1977 Code, ' 7-1)