



AGENDA

MOLALLA CITY COUNCIL MEETING

February 13, 2019

7:00 PM

Molalla Adult Center

315 Kennel Ave., Molalla, OR 97038

Mayor Jimmy Thompson

*Council President Elizabeth Klein
Councilor Leota Childress
Councilor DeLise Palumbo*

*Councilor Terry Shankle
Councilor Jody Newland
Councilor Keith Swigart*

CALL TO ORDER

Convene Meeting and Roll Call
Pledge of Allegiance

PUBLIC COMMENT/COMMUNICATIONS AND PRESENTATIONS

(Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the City Recorder. The City Council does not generically engage in dialog with those making comments but may refer the issue to the City Manager. Complaints shall first be addressed at the department level prior to addressing the City Council.)

ADOPTION OF AGENDA

CONSENT AGENDA

1. City Council Minutes January 23, 2019

ORDINANCES, RESOLUTIONS, PROCLAMATIONS

2. Sign Code Ordinance 2019-02

3. Ordinance 2019-03 Updating the Towing Regulations

NEW BUSINESS

OLD BUSINESS

REPORTS AND ANNOUNCEMENTS

ADJOURN

Agenda posted at City Hall, Senior Center, Library and the City Website at <http://www.cityofmolalla.com/meetings>



AGENDA

MOLALLA CITY COUNCIL MEETING

February 13, 2019

7:00 PM

Molalla Adult Center

315 Kennel Ave., Molalla, OR 97038

This meeting location is wheelchair accessible. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-829-6855



**Minutes of the Molalla City Council Regular Meeting
Molalla Adult Center
315 Kennel Ave., Molalla, OR 97038
Wednesday, January 23, 2019**

CALL TO ORDER OF THE MOLALLA CITY COUNCIL MEETING; the regular meeting of Wednesday, January 23, 2019 was called to order by Mayor Jimmy Thompson at 7:04 P.M.

COUNCIL ATTENDANCE:

Mayor Jimmy Thompson – Present
Councilor Elizabeth Klein – Present
Councilor Leota Childress – Present
Councilor DeLise Palumbo – Present
Councilor Terry Shankle – Present
Councilor Jody Newland – Present
Councilor Keith Swigart – Present

STAFF IN ATTENDANCE:

Dan Huff, City Manager - Present
Gerald Fisher, Public Works Director - Present
Chaunee Seifried, Finance Director – Absent
Rod Lucich, Police Chief - Absent
Kelly Richardson, City Recorder - Present
Diana Hadley, Library Director - Absent
Chad Jacobs, City Attorney - Absent

Councilor Palumbo came in late at 7:41 pm.

PUBLIC COMMENT/COMMUNICATIONS AND PRESENTATIONS

(Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the City Recorder. The City Council does not generically engage in dialog with those making comments but may refer the issue to the City Manager. Complaints shall first be addressed at the department level prior to addressing the City Council.)

ADOPTION OF AGENDA

Motion made by Councilor Childress to adopt the agenda as presented, Seconded by Councilor Swigart. Voting Yea: Mayor Thompson, Councilor Klein, Councilor Childress, Councilor Palumbo, Councilor Swigart, Councilor Newland, Councilor Shankle

CONSENT AGENDA

Motion made by Councilor Swigart to approve the consent agenda as presented, Seconded by Councilor Newland. Voting Yea: Mayor Thompson, Councilor Klein, Councilor Childress, Councilor Palumbo, Councilor Swigart, Councilor Newland, Councilor Shankle

1. City Council Minutes January 9, 2019



**Minutes of the Molalla City Council Regular Meeting
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2. Library Board Minutes November 15, 2018

PUBLIC HEARING

3. Development Code Update

The City of Molalla has proposed a Legislative amendment to amend/update the Development Code sections 17.3.5.030, 17.3.5.040 and 17.3.6.020.

Public Hearing opened at 7:07 pm. Mayor Thompson called for any comments in favor of or against the Development Code update hearing none Thompson closed the hearing at 7:08 pm.

Councilors Klein and Childress commented they were pleased with the updates presented.

ORDINANCES, RESOLUTIONS, PROCLAMATIONS

4. Ordinance 2019-01 TSP Code Revision

Motion made by Councilor Swigart to approve the first reading of Ordinance 2019-01 by title only, Seconded by Councilor Newland.

Voting Yea: Mayor Thompson, Councilor Klein, Councilor Childress, Councilor Palumbo, Councilor Swigart, Councilor Newland, Councilor Shankle

Motion made by Councilor Klein to approve the second reading of Ordinance 2019-01 by title only, Seconded by Councilor Swigart.

Voting Yea: Mayor Thompson, Councilor Klein, Councilor Childress, Councilor Palumbo, Councilor Swigart, Councilor Newland, Councilor Shankle.

Motion made by Councilor Newland to adopt Ordinance 2019-01 as presented, Seconded by Councilor Swigart.

Voting Yea: Mayor Thompson, Councilor Klein, Councilor Childress, Councilor Palumbo, Councilor Swigart, Councilor Newland, Councilor Shankle

NEW BUSINESS

5. Sign Code Update Discussion

Following a brief discussion Council instructed staff to bring the Ordinance back with the following changes.

1. Item E. add City Council as appeal body
2. Allow 10 business days for appeal period
3. Item V. add reference to property owner

6. Parks Use Discussion

Council discussed with staff the necessity to offset the costs involved for maintaining City of Molalla parks. Council asked staff to bring back a draft resolution which would include \$50.00 use fee for both in and out of town residents. Council also commented on some type of sliding scale for non-profits or consider no fee.

7. Policy and Procedure Discussion Regarding Small Cell Providers.

City Manager Huff presented information to Council and following a brief discussion about the information presented. Council instructed staff to bring language back at the next meeting. Public Works Director Fisher wanted language



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included regarding the cell waves not interfering with radio frequencies used by our utility reading equipment. Mayor Thompson wanted to see time limits removed.

OLD BUSINESS

REPORTS AND ANNOUNCEMENTS

PWD Fisher reported dates of items and projects that are coming to end.

Fenton Avenue should be completed by mid-February. The punch list is almost complete.

Councilor Childress asked PWD Fisher if the contractor is past the projected due date and Fisher confirmed the contractor was approximately a month and a half behind.

CR Richardson informed Council the fee schedule update was almost complete. Council briefly discussed the necessity of having this type of item only come before Council once a year.

CM Huff had nothing more.

Councilor Shankle gave Councilors all the information regarding the upcoming Chamber dinner.

Councilor Newland informed Council of the upcoming citizenship classes. Newland also informed Council that DHS will soon have meetings at the library. Molalla Public Library is ahead in the technology assessment.

Councilor Palumbo had nothing.

Councilor Swigart informed Council that he would be attending the League of Oregon Cities *State Capital Day* and on Friday in West Linn at the round table with Representative Kurt Schrader.

Councilor Childress informed Council that Molalla was chosen and honored by *the Ford Family Foundation*.

Childress commented that the warming center has been busy do to the cold. The County will be performing the once of year head count of the homeless population this week

Councilor Klein informed Council of the recent roundtable that she attended in Washington, D.C. regarding the prescription drug epidemic and opioid addiction rate. The commentary was trying to encourage non-drug pain relief options. They felt increasing the veterans and elderly benefits would help reduce prescriptions.

Mayor Thompson thanked Troop Pack 161 for allowing him to visit Monday to educate them about our local government. Thompson also commented for the record that he would now sign the amended version of the decent decree, this was a very long and arduous process. A lot of work went into this.

Councilor Childress asked Thompson about the pending crosswalk on Highway 211 by Stoneplace Apartments.

EXECUTIVE SESSION

Held pursuant to Oregon Public Record Law, ORS 192.660(2):

8. (e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

The Executive Session came to order at 9:10 pm the following Council and staff members were present;

PRESENT

Mayor Jimmy Thompson

Councilor Jody Newland

Councilor Terry Shankle

Councilor Elizabeth Klein

Councilor Leota Childress

Councilor DeLise Palumbo

Councilor Keith Swigart

CM Huff

CR Richardson



**Minutes of the Molalla City Council Regular Meeting
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Motion made by Councilor Childress to close the Executive Session at 9:35 pm, Seconded by Councilor Swigart.
Voting Yea: Mayor Thompson, Councilor Klein, Councilor Childress, Councilor Palumbo, Councilor Swigart, Councilor
Newland, Councilor Shankle

ADJOURN

Motion made by Councilor Swigart to adjourn the regular City Council meeting following Exec Session, Seconded
by Councilor Newland.

Voting Yea: Mayor Thompson, Councilor Klein, Councilor Childress, Councilor Palumbo, Councilor Swigart,
Councilor Newland, Councilor Shankle



**Minutes of the Molalla City Council Regular Meeting
Molalla Adult Center
315 Kennel Ave., Molalla, OR 97038
Wednesday, January 23, 2019**

Mayor, Jimmy Thompson

Date

ATTEST:

Kelly Richardson, CMC
City Recorder



Administration – City Records Office
117 N Molalla Avenue, PO Box 248, Molalla, Oregon 97038
Phone: (503) 829-6855 Ext. 291 Fax: (503) 829-3676

DATE: February 13, 2019
TO: Council
FROM: Kelly Richardson, City Recorder
SUBJECT: Sign Code 18.02 Council requested changes

18.02.040 Permit Requirements

E. Permit Appeal

1. An applicant whose sign application has been conditioned, denied, suspended or revoked may file a written notice of appeal with the City Manager. The notice of appeal must be filed within 10 business days after the notice of conditioned, denied, suspended or revoked is mailed or delivered, whichever is earlier. The notice of appeal shall include:
 - A. The name and address of the appellant, and the business owner if different than the appellant;
 - B. The nature of the determination from which an appeal is taken and a copy of the determination;
 - C. The reason or reasons why the determination is alleged to be incorrect; and
 - D. What the correct determination should be.
2. Upon completion of the above appeal process if not satisfied applicant can within 5 business days file a written notice to the Molalla City Council for review. The written notice should include:
 - A. The name and address of the appellant, and the business owner if different that the appellant.
 - B. Th nature of the determination from which an appeal is taken, and a copy of the determination made by the City Manager.
 - C. The reason or reasons why the determination is alleged to be incorrect; and
 - D. What the correct determination should be.
- V. Any signs advertising a business or other use which has discontinued operation within the building, on the lot or in the development shall be deemed abandoned and shall be removed within ninety days of the time the business or use is discontinued, unless a new occupancy permit is issued for a new sign. Removal of the sign is the business owner's responsibility however if not removed within the 90 days becomes the property owner's responsibility.



ORDINANCE NUMBER 2019-02

**AN ORDINANCE OF THE CITY OF MOLALLA, OREGON
AMENDING TITLE 18.02 THE MOLALLA SIGN CODE.**

WHEREAS, the Molalla City Council had recently reinserted the Molalla Sign Code into the Municipal Code; and

WHEREAS, section 18.02.040 (3) still referred to Type I Land Use Procedures; and

WHEREAS, section 18.020.040 (E) and (G) still referred to appeal procedures for land use; and

WHEREAS, section 18.020.060 sign removal did not address sign removal after a closure of a business.

Now, Therefore, the City of Molalla does ordain as follows:

Section 1. That this Ordinance will amend sections 18.02.030 (3).

Section 2. That this Ordinance will remove 18.02.040 (E) and (G).

Section 3. The Municipal Code Chapter 18.02 is then amended as set forth in Exhibit A, which is attached hereto and incorporated herein.

Section 4. Section 18.020.090 prohibited signs will also be updated with the requirements of sign removal upon closure of a business and is amended as set forth in Exhibit A, which is attached hereto and incorporated herein.

Section 5. Effective this ordinance is effective 30 days after passage by Council and approved by the Mayor this date _____.

/ / / /

/ / / /

Read the first time on _____ and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

Jimmy Thompson, Mayor

ATTEST:

Kelly Richardson, CMC, City Recorder

Chapter 18.02

SIGNS

Sections:

- 18.02.010 Purpose.**
- 18.02.020 Rules for reading and applying sign code language.**
- 18.02.030 Area of signs.**
- 18.02.040 Permit requirements.**
- 18.02.050 Construction and maintenance.**
- 18.02.060 Sign removal.**
- 18.02.070 Nonconforming signs.**
- 18.02.080 Exempt signs.**
- 18.02.090 Prohibited signs.**
- 18.02.100 Design standards.**
- 18.02.110 Permanent signs exempt from permit and fee.**
- 18.02.120 Regulation of temporary signs.**
- 18.02.130 Temporary signs requiring a permit.**
- 18.02.140 Signs requiring a permit.**
- 18.02.150 Automobile service station sign standards.**
- 18.02.160 Signage on cars.**
- 18.02.170 Garage/household sales.**
- 18.02.180 Nameplates.**
- 18.02.190 Open house signs/for sale signs.**

18.02.010 Purpose.

- A. The purpose of the sign regulations is to:
 - 1. Protect the health, safety, property and welfare of the public;
 - 2. Provide a neat, clean, orderly and attractive appearance in the community;
 - 3. Provide for safe construction, location, erection and maintenance of signs;
 - 4. Encourage signs to be well designed and wisely located;
 - 5. Prevent sign clutter, minimize adverse visual safety factors to travelers in the public right-of-way;
 - 6. Provide a simple and efficient regulatory process; and
 - 7. Achieve these purposes consistent with state and federal constitutional limits on the regulation of speech.
- B. To achieve this purpose, it is necessary to regulate the design, quality of materials, construction, location, electrification, illumination, and maintenance of signs that are visible to the public.
- C. Nothing in these regulations is intended to control the construction or location of directional or informational signs installed by the City, county or state for the purpose of controlling traffic, indicating street names, providing legal or public notice, or other public purposes. (Ord. 2010-15 §1; Ord. 2010-04 §1)

18.02.020 Rules for reading and applying sign code language.

- A. **Reading and Applying the Code.** Literal readings of the code language will be used. Regulations are no more or less strict than as stated. Application of the regulations that are consistent with the rules of this sign code are non-discretionary actions of the Planning Director to implement the code.
- B. **Situations Where the Code is Silent.** Proposals for signs where the code is silent, or where the rules of this chapter do not provide a basis for concluding that the sign is allowed, are prohibited. (Ord. 2010-15 §1; Ord. 2010-04 §1)

18.02.030 Area of signs.

Sign area includes the area within a perimeter enclosing the limits of lettering, writing, representation, emblem, figure, essential sign structure, foundations or supports. For a multiple-face (more than 2-sided) sign, the sign area shall be the total of all faces. If the sign consists of more than 1 section or module, all areas will be totaled. For a double-faced sign in a single cabinet, the allowed area shall be the dimension of the cabinet, not the total of the area of the message. (Ord. 2010-15 §1; Ord. 2010-04 §1)

18.02.040 Permit requirements.

- A. **Permit Required.** All signs erected after the effective date of this chapter, other than signs exempt from permit requirements of this chapter shall require a sign permit.

B. Permit Application.

- 1. Application for a sign permit shall be made on forms provided by the Planning Director.
- 2. An application shall include all plans and information necessary to establish that the proposed sign complies with the applicable requirements of this chapter and applicable building, structural and life safety codes.
- 3. Sign permit applications shall be submitted on a form provided by the City. The sign permit application fee shall be set from time to time by resolution of the City Council. Such application and required fee shall be filed in the office of the City Recorder. Applications shall be reviewed administratively by the City within approximately five – seven business days set forth in Section 18.02.040, and such issuance or denial shall constitute the City’s ~~final~~ decision on the application. A denial shall be in writing and explain the reason for such denial.

a. An applicant whose sign application has been conditioned, denied, suspended or revoked may file a written request with the City Manager. The request must be filed within 10 business days after the notice of conditioned, denied, suspended or revoked application is mailed or delivered, whichever is earlier. The written request shall include:

A. The name and address of the applicant and the business owner if different than the applicant;

B. The nature of the determination from which the request is taken and a copy of the determination;

C. The reason or reasons why the determination is alleged to be incorrect; and

D. What the correct determination should be.

E. This will be the final decision on the application.

4. An approved sign review does not replace, supersede, or waive structural or electrical standards and permits required. These other permits must also be obtained prior to work on the installation of the sign. _____
 5. Signs requested to be placed in any public right-of-way must first obtain permission from the jurisdiction having control of said right-of-way.
 6. A sign review permit issued under this chapter is void if substantial physical action is not taken in accordance with the conditions of the permit and the applicable provisions of this chapter, and the finding that the applicant did not misrepresent or falsify any information supplied in the application.
 7. Site plan and/or building elevation plans drawn to scale and dimension showing:
 - a. Existing structures;
 - b. Driveways;
 - c. Street and right-of-way;
 - d. Existing signs;
 - e. Proposed sign;
 - f. Vision clearance;
 - g. All incidental signs.
 8. A proposed sign plan drawn to scale and dimension showing:
 - a. Height;
 - b. Width;
 - c. Square footage;
 - d. Thickness;
 - e. Size and style of letters;
 - f. Color;
 - g. Type of illumination;
 - h. Materials.
- C. **Fees.** A fee as established by resolution of the City Council shall be paid upon the filing of an application. Such fees shall not be refundable.
- D. **Permit Conditions.** The Planning Department shall attach conditions in conjunction with the approval of a sign permit in order to ensure the intent of this Code is met. The Planning Department may also require guarantees and evidence to ensure that such conditions will be complied with.

~~.1. An applicant whose application has been conditioned, denied, suspended or revoked may file a written notice of appeal with the City Manager. The notice of appeal must be filed within 10 business days after the notice of conditioned, denied, suspended or revoked is mailed or delivered, whichever is earlier. The notice of appeal shall include:~~

~~A. The name and address of the appellant, and the business owner if different than the appellant;~~

- ~~_____ B. The nature of the determination from which an appeal is taken and a copy of the determination;~~
- ~~_____ C. The reason or reasons why the determination is alleged to be incorrect; and~~
- ~~_____ D. What the correct determination should be.~~

~~2. Upon completion of the above appeal process if not satisfied applicant can within 5 business days file a written notice to the Molalla City Council for review. The written notice should include:~~

- ~~_____ A. The name and address of the appellant, and the business owner if different that the appellant.~~
- ~~_____ B. Th nature of the determination from which an appeal is taken, and a copy of the determination made by the City Manager.~~
- ~~_____ C. The reason or reasons why the determination is alleged to be incorrect; and~~
- ~~_____ D. What the correct determination should be.~~

F. **Permit Suspension or Revocation.** The Planning Director or duly authorized representative may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued on the basis of incorrect information supplied, or in violation of applicable ordinance or regulation or any of the provisions of this chapter.

G. (Ord. 2010-15 §1; Ord. 2010-04 §1)

18.02.050 Construction and maintenance.

- A. Signs shall be constructed, erected and maintained to meet the requirements of the Oregon Structural Specialty Code, National Electric Code and Oregon Mechanical Code. In addition, all illuminated signs shall be subject to the provisions of the Underwriters' Standards, as defined in Underwriters' Laboratories, "Standards for Safety, Electric Signs." For purposes of this section, "illuminated sign" means any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as part of the sign property.
- B. All signs and component parts shall be kept in good repair and maintained in a safe, neat, clean and attractive condition.
- C. All signs shall be located entirely within the boundaries of the subject property unless specifically authorized by this Code.
- D. No sign shall be erected or maintained in such a manner that any portion will interfere in any way with the free use of, or any access to, any fire escape, or be erected or maintained so as to obstruct any window of light or ventilation required by any applicable law or building code.
- E. It is unlawful to erect or maintain a sign which, by reason of its size or location, pose immediate danger to the health, safety and welfare of the citizens of the City, either pedestrian or motorists, at public and/or private roadways, intersections, and driveways.
- F. All signs shall be able to withstand a wind pressure at a minimum of 20 pounds per square foot of exposed surface.
- G. All signs shall be constructed securely and shall not constitute a fire hazard.
- H. When wood is used which comes into contact with the ground, the wood must be pressure treated. (Ord. 2010-15 §1; Ord. 2010-04 §1)

18.02.060 Sign removal.

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

- A. The Planning Department shall deliver written notice by certified mail (return receipt requested) to the owner of the sign, or, if the owner of the sign cannot be located, to the owner of the lot(s) as shown on the tax rolls of Clackamas County, on which such sign is located, directing that the sign shall be removed or brought into compliance with these standards.
- B. If the owner of such sign or the owner of the lot(s) on which the sign is located fails to remove the sign or remedy the violation within 30 days after receipt of written notice from the City, the Planning Director shall cause such sign to be removed at the expense of the property owner. Such costs shall be entered by the City Recorder on the docket of City liens against the property owner and shall be collectible in the same manner as liens for public improvements.
- C. If the condition of the sign presents an immediate threat to the safety of the public, the Planning Director may cause removal of the sign immediately, without prior notice, and the expenses for such removal shall be paid by the owner of the sign or the permit applicant. If such persons cannot be found, the expense shall be paid by the owner of the building, structure or property. (Ord. 2010-15 §1; Ord. 2010-04 §1)

18.02.070 Nonconforming signs.

- A. A nonconforming sign lawfully existed prior to the adoption of applicable zoning requirements with which it does not comply. Except, however, signs shall be considered to be nonconforming where the sign, by reason of its size, location, construction, or lack of maintenance creates a public hazard or nuisance. In the case of such public hazard or nuisance, the City may begin immediate abatement procedures, as provided in this chapter and other City ordinances.
- B. Relocation, replacement, structural alteration or expansion of a nonconforming sign is subject to the same limitations, application procedures and requirements set forth in this chapter for other nonconforming structures. Except, approval of a nonconforming structure application is not required for the following:
 - 1. Normal repair and maintenance, where the cost to repair the sign does not exceed 50% of the replacement cost of the sign using new materials, as determined by the Building Official.
 - 2. Change of sign copy.
 - 3. Structural alteration when the alteration is necessary for structural safety, as determined by the Building Official.
 - 4. A nonconforming sign may be reconstructed if it is required to be temporarily removed to accommodate construction or repair of public utilities or public works and the sign reconstruction is completed within 90 days after the completion of the public utilities or public works construction activity.
- C. Signs installed in violation of any prior sign code or applicable laws or regulations, and which are in violation of this chapter, shall be removed, replaced or altered in order to conform to the requirements of this chapter.
- D. Signs recognized as historical element of a historical landmark are exempt from this chapter.

- E. All nonconforming signs shall be altered to conform to the requirements of this chapter by January 1, 2025.
- F. A sign for which a variance is granted under the provisions of this chapter is not considered nonconforming.
- G. If a nonconforming sign is damaged by wind, fire, neglect or by any other cause, and such damage exceeds 60% of its replacement value, the nonconforming sign shall be removed.
- H. An unlawful sign shall be removed or made to conform within 60 days after written notice from the Planning Department. Said 60-day period may be extended if the owner of an unlawful sign submits to the Planning Department a declaration signed under penalty of perjury, on forms provided by the Department, stating that he/she intends to terminate the business identified by said sign within 12 months of the date of the notice and agrees to remove the sign upon the expiration of the 12-month period or the date he/she terminates his/her business, whichever occurs first. (Ord. 2010-15 §1; Ord. 2010-04 §1)

18.02.080 Exempt signs.

All signs which are placed inside a structure or building, which are not visible through windows or building openings and are not intended to be visible to the public are exempt from the provisions of the sign code. (Ord. 2010-15 §1; Ord. 2010-04 §1)

18.02.090 Prohibited signs.

- A. No sign, unless exempt or allowed pursuant to this chapter shall be permitted. ~~except as may be permitted pursuant to a variance procedure (Chapter 20.04).~~
- B. In a commercial or industrial zone no sign shall be placed inside or outside a structure so as to obscure more than 25% of any individual window surface. In a residential zone no sign shall be placed so as to obscure more than 10% of any individual window surface. Glass doors shall be considered an individual window surface.
 Holiday paintings and temporary specials painted on windows shall be exempt from this percentage of limitation.
- C. No permanent sign, other than a public sign, may be placed within or over any portion of the public right-of-way, except those signs which are consistent with the provisions of this chapter.
- D. No sign shall be allowed within 2 feet of any area subject to vehicular travel.
- E. No temporary sign, except for banner signs for which a permit has been issued and those necessary for temporary traffic control shall be placed within or over any portion of the public right-of-way of a major collector or arterial street.
- F. No sign shall be located in a manner which could impede travel on any pedestrian or vehicular travel surface.
- G. No temporary signs, bench signs. Banners, pennants, wind signs, balloon signs, flags, or any other temporary sign structure shall be allowed as except specifically authorized by this chapter.
- H. Except as otherwise provided herein, no sign shall be equipped or displayed with moving, flashing or intermittent illumination except athletic scoreboards.
- I. No sign shall be or consist of any moving, rotating, or otherwise animated part.

- J. No signs on buildings shall be placed on the roof or extend above the roof line or parapet of the structure.
- K. No sign shall be attached to a tree or vegetation.
- L. No non-public sign which purports to be, is an imitation of, or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic on the street, or which hides from view any official traffic sign or signal shall be permitted.
- M. No public address system or sound devices shall be used in conjunction with any sign or advertising device.
- N. No signs that are internally illuminated shall be permitted in any residential zone.
- O. No sign that obstructs free and clear vision of the traveling public at the intersection of any street or driveway shall be permitted.
- P. A sign with lighting of such intensity or brilliance as to cause glare on adjoining properties or roadways or impair the vision of a driver of a motor vehicle or otherwise to interfere with the operations thereof or allows light to be directed upward.
- Q. A sign erected or maintained on public property or within the public right-of-way without permission of the public body having jurisdiction.
- R. Any sign larger than 32 square feet (counting both sides) on an undeveloped lot or parcel of property.
- S. Signs larger than 3 square feet on fences or fencing.
- T. Signs placed on, affixed to, or painted on any motor vehicle, trailer or other mobile structure not registered, licensed and insured for use on public highways, City and/or parked with the primary purpose of providing a sign not otherwise allowed by this chapter.
- U. Video signs.
- V. Any signs advertising a business or other use which has discontinued operation within the building, on the lot or in the development shall be deemed abandoned and shall be removed within ninety days of the time the business or use is discontinued, unless a new occupancy permit is issued for a new sign. Removal of the sign is the business owners responsibility however if not removed within the 90 days becomes the property owners responsibility.
- W Signs in violation of the other chapters of the Molalla Municipal Code. (Ord. 2010-15 §1; Ord. 2010-04 §1)

18.02.100 Design standards.

- A. All illuminated signs must be installed by a licensed sign contractor, subject to provisions of the State Electrical Code. All electrically illuminated signs shall bear the Underwriters' Laboratory label or equivalent.
- B. Building and electrical permits shall be the responsibility of the applicant. Prior to obtaining permits the applicant bears the burden of providing an approved sign permit or demonstrating exemption from the permit requirements of this chapter.
- C. Signs shall be designed to be compatible with nearby signs, other elements of street and site furniture and with adjacent structures. Compatibility shall be determined by the relationship of the elements of form, proportion, scale, color, materials, surface treatment, overall sign size and the size and style of lettering.

- D. Content on signs visible from streets shall be designed to minimize distractions to motorists. Signs may be reviewed for clarity and readability.
- E. **Setbacks.** Signs are required to meet the setback requirements of the applicable zoning district, except however the street yard setback for signs may be reduced to 50% of that required for other structures in the zone. Signs shall not obstruct a vision clearance area.
- F. **Size of Sign.** The maximum size of all signs per building shall not exceed the totals listed in the table below:

Street Frontage (ft)	Maximum Display Surface Area (sq ft)	Maximum Area of Any One Sign Face (sq ft)	Maximum Height Freestanding Signs (ft)
1 – 50	50	25	30
50 – 200	100	50	30
201+	300	150	30

On a building containing multiple tenants signage requirements shall meet the maximum below as an entire building not as individual business.

G. Illumination.

- 1. External illumination is allowed. The external illumination may be either “direct” or “indirect,” provided that the source of light (e.g., bulb) is shielded such that it is not directly seen by the public. External light sources shall be carefully located, directed and shielded in order to avoid direct illumination of any off-site object or property.
- 2. Internal illumination is allowed.
- 3. Sign illumination shall not result in glare onto neighboring properties or onto public right-of-way, such that due to level of brightness, lack of shielding, or high contrast with surrounding light levels, the sign illumination results in “light intrusion” onto adjacent properties.
 - a. Direct lighting means exposed lighting or neon tubes on the sign face.
 - b. Indirect lighting means the light source is separate from the sign face or cabinet and is directed so as to shine on the sign.
 - c. Internal lighting means the light source is concealed within the sign.
- 4. Signs shall not flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights.
- 5. Exposed incandescent bulbs may be used on the exterior surface of a sign if each of such bulbs do not exceed 25 watts or unless each of such bulbs is screened by a diffusing lens, sun screen or similar shading device.

H. Monument Signs.

- 1. Monument signs shall have a distinct base, middle, and top. These elements of the sign shall vary from one another in terms of their thickness, materials, or color.
- 2. Monument signs shall incorporate the following materials, unless otherwise approved pursuant to subsection (H)(4) of this section.
 - a. The base and top shall be constructed of stone, brick, or wood;

- b. The middle shall be constructed of stone, brick, wood, metal with a matte/non-reflective finish, vinyl, or other materials as noted in subsection c.
 - c. Other materials may be used for bulletin board or electronic message board components in the middle portion of a monument sign, as needed to allow the bulletin board or electronic message board to function.
3. Monument signs shall provide street addresses when street addresses are not visible from the street.
4. A monument sign which does not meet 1 or more of the standards detailed above in subsections (H)(1) through (3), may be approved by the Planning Director, ~~pursuant to the Type II Land Use Procedure.~~—A discretionary monument sign application may be approved if the applicant demonstrates compliance with all of the following criteria:
 - a. The overall design of the sign exhibits a sense of structure; and
 - b. Materials, similar to stone, brick, or wood are used; and
 - c. The proposed sign is in conformance with all other applicable City ordinances concerning its location, construction, and design.

I. Blade/Overhang Signs.

1. Blade/overhang sign shall not extend more than 8 feet from the building face.
2. The outer edge of a blade/overhang sign shall be set back a minimum of 2 feet from the curb.
3. A minimum 9-foot clearance shall be provided between grade and the bottom of a blade/overhang sign.

J. Wall Signs.

1. A wall sign shall not project more than 18 inches from the wall to which it is attached (or 12 inches from a wall directly abutting an alley). An encroachment permit is required prior to encroachment into any public right-of-way.
2. The surface area of a wall sign shall not be more than 2 square feet per lineal foot of the wall on which it is erected.

For shopping centers, the footage will be counted on the entire surface of the wall on which the sign is being erected and include all signs erected on that wall in the total footage.

K. Reader Boards and Electronic Message Boards.

1. The rate of change for sign copy on a bulletin or electronic message board from 1 message to another message shall be no more frequent than every 8 seconds. Once changed, content shall remain static until the next change.
2. Displays may travel horizontally or scroll vertically onto electronic message boards but must hold a static position after completing the travel or scroll.
3. Sign content shall not appear to flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights. Content shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or otherwise portray graphics or animation as it moves onto, is displayed on or leaves the electronic message board.
4. No electronic message board may be illuminated to a degree of brightness that is greater than necessary for adequate visibility.
5. Electronic reader boards may be placed in commercial, industrial and public zones only.
6. No electronic message board may be located closer than 500 feet from another electronic message board.
7. These signs are only allowed as part of a blade/overhang sign, marquee sign, monument sign, pole sign, or wall sign.

L. A-Frame Signs.

1. **Dimensions.** The A-frame sign area shall not exceed 3 feet high by 2 feet wide. The top of the sign shall be no more than 42 inches from the ground (including feet and hinge mechanisms).
2. **Construction.** Shall be constructed of wood, plastic, or metal with a matte/non-reflective finish.
3. **Location.** Shall not be located further than 100 feet from the primary business. Signs must not obstruct vehicle sight clearances or be placed so as to obscure permanent signs.
4. **Quantity.** No more than 1 A-frame sign per business.
5. No A-frame sign shall include any parts or attachments that extend beyond the edge of the sign dimensions.
6. No reflective materials shall be incorporated into the A-frame sign.
7. Neon colors shall not be incorporated into the A-frame sign.
8. No A-frame sign shall be placed along any designated sidewalk, or walkway in such a manner as to impede pedestrian passage.
9. A-frames shall not be placed in landscaped areas.
10. All A-frames shall comply with the requirements of this Code within 1 year of adoption of this Code.
11. **Time Period.** A-frame signs may be displayed only during public business hours and shall be promptly removed from public display when the business is closed, or at dusk, whichever comes first. For enforcement purposes, dusk is when nearby street lights turn on.
12. An A-frame sign which does not meet 1 or more of the standards detailed in this section above, may be approved by the Planning Director, ~~pursuant to a Type II Land Use Procedure~~. A discretionary A-frame sign application may be approved if the applicant demonstrates compliance with all of the following criteria:

The proposed materials, colors, and dimensions of the A-frame sign do not pose a hazard concerning its location, construction, and design.

M. **Signs in Residential Zones.** In addition to the temporary and permanent signage allowed without a permit in the residential zones the following signage is allowed subject to permit and fee:

1. **Monument Signs.**

a. **Subdivision Identification Sign and Multifamily (16 or More Units) Monument Signs.**

A permanent sign may be located at the principle entrance to a subdivision identifying the name of the development. Any sign permitted pursuant to this provision shall meet all the following requirements:

- i. **Size.** Maximum area on 1 sign face is 32 square feet;
- ii. Maximum height 6 feet.
- iii. **Lighting.** Indirect lighting shall be used when lighting is requested.
- iv. Types of materials to be used shall be similar to that of the surrounding area. These types include:
 - (A) Wood;
 - (B) Stone;
 - (C) Brick.
- v. No bright colors of any kind shall be allowed on these signs. All signage shall follow the base color code.
- vi. Signs shall be placed in a landscaped area.
- vii. Signs may include the name of the subdivision or apartment complex as well as a phone number and the owner of the complex.

b. **Church, School, Public/Semi-Public Facility or Privately-Owned Community Center.**

- i. **Size.** Maximum of 40 square feet per sign face.
- ii. Maximum height 7 feet.
- iii. **Location/number.** One sign per parcel.

2. **Blade/Overhang Signs.**

a. **Home Occupation or Permitted Commercial Use.**

- i. **Size.** Maximum 2 square feet per sign face.
- ii. **Maximum Height.** Shall not project above the roofline or top of the parapet wall, whichever is higher.
- iii. **Location/number.** One sign per building frontage.

b. All other uses not allowed.

3. **Wall Signs.**

a. **Church, School, Public/Semi-Public Facility.**

- i. **Size.** Maximum 9% of building elevation area, with a maximum sign face of 60 square feet on a primary frontage or 30 square feet on a secondary frontage.

- ii. **Maximum Height.** Shall not project above the roofline or top of the parapet wall, whichever is higher.
 - iii. **Location/number.** One sign per building frontage.
 - b. Home occupation or permitted commercial use other than those listed above in subsection (M)(3)(a):
 - i. **Size.** Maximum 2 square feet.
 - ii. **Maximum Height.** Shall not project above the roofline or top of the parapet wall, whichever is higher.
 - iii. **Location/number.** Maximum 1 sign; no specific location requirement.
 - c. All other uses not allowed.
 - 4. **Reader Boards and Electronic Message Boards.**
 - a. **Reader Boards for Church, School, Public/Semi-Public Facility.**
 - i. **Size.** Bulletin board may encompass up to 75% of sign face area.
 - ii. Maximum height determined by height of sign.
 - iii. **Location/number.** Only allowed as a permitted sign.
 - b. **Electronic Message Board for Church, School, Public/Semi-Public Facility.**
 - i. **Size.** Electronic message board may be no larger than 8 foot horizontal by 3 foot vertical from the ground.
 - ii. Maximum height determined by height of sign.
 - iii. **Location/number.** Only allowed as part of permitted sign.
 - c. Bulletin board and electronic message board all other areas—Not allowed.
 - 5. **Pole Signs.**
 - a. **Church, School, Public/Semi-Public Facility.**
 - i. **Size.** Maximum 40 square feet per sign face.
 - ii. Maximum height 8 feet.
 - iii. **Location/number.** One sign may be located adjacent each street frontage.
 - b. All other uses not allowed.
 - 6. **Awning Sign or Canopy Sign.** Not permitted on any use.
 - 7. **Marquee Sign.** Not permitted on any use.
 - 8. **Window Sign.**
 - a. **Size.** Maximum 15% of total window area.
 - b. Maximum height determined by height of window.
 - c. **Location/number.** Only allowed in ground floor or 2nd floor windows.
- N. **Signs in the Central Business District.** In addition to the temporary and permanent signage allowed without permit in the following Central Business District zones the following signage is allowed subject to permit and fee:
- 1. **Monument Signs.**

- a. **Church, School, or Public Facility.**
 - i. **Size.** Maximum 40 square feet per sign face up to 2 sign faces.
 - ii. Maximum height 9 feet.
 - iii. **Location/number.** One sign may be located adjacent on each street frontage.
 - b. **Minor Business Complex.**
 - i. **Size.** Maximum 50 square feet per sign face up to 2 sign faces.
 - ii. Maximum height 12 feet.
 - iii. **Location/number.** One sign, except on site abutting a collector or arterial street, 1 sign may be located adjacent to each collector/arterial street frontage.
 - c. **Major Business Complex.**
 - i. **Size.** Maximum 65 square feet per sign face up to 2 sign faces.
 - ii. Maximum height 12 feet.
 - iii. **Location/number.** One sign, except on site abutting a collector or arterial street, 1 sign may be located adjacent to each collector/arterial street frontage.
 - d. **All Other Uses.**
 - i. **Size.** Maximum 40 square feet per sign face up to 2 sign faces.
 - ii. Maximum height 9 feet.
 - iii. **Location/number.** One sign, except on site abutting a collector or arterial street, 1 sign may be located adjacent to each collector/arterial street frontage.
2. **Blade/Overhang Sign.**
- a. All Other Uses.
 - i. **Size.** Each sign shall have a maximum sign face area of 20 square feet. The total combined area of wall and blade/overhang signs on a primary frontage shall not exceed 12% of the building elevation area.
 - ii. **Maximum Height** The height of the sign shall not project above the roofline or top of the parapet wall, whichever is higher.
 - iii. **Location/number.** One sign per building frontage for each business license on file with the City at that location.
3. **Wall Signs.**
- a. **Church, School, Public/Semi-Public Facility.**
 - i. **Size.** Maximum 9% of building elevation area, with a maximum sign face of 60 square feet on a primary frontage or 30 square feet on a secondary frontage.
 - ii. **Maximum Height.** Shall not project above the roofline or top of the parapet wall, whichever is higher.
 - iii. **Location/number.** One sign per building frontage.
 - b. **Home Occupation.**
 - i. **Size.** Maximum 2 square feet.

- ii. **Maximum Height.** Shall not project above the roofline or top of the parapet wall, whichever is higher.
 - iii. **Location/number.** Maximum 1 sign; no specific location requirement.
 - c. **Commercial Uses.**
 - i. **Size.** Maximum sign area of all signage allowed on a primary building frontage is 8% of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.
 - (A) The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.
 - (B) The maximum sign face area of all signage allowed on a secondary building frontage is 6% of the building elevation area of the secondary building frontage, up to a maximum of 60 square feet.
 - (C) If the building elevation area of a primary or secondary building frontage exceeds 5,000 square feet, the total sign face area allowed on that frontage is 130 square feet.
 - ii. **Maximum Height.** Shall not project above the roofline or top of the parapet wall, whichever is higher.
 - iii. **Location/number.** One sign per building frontage for each business license on file with the City at that location.
 - d. All other uses not allowed.
4. **Reader Boards and Electronic Message Board Signs.**
- a. **Size.** May be no larger than 8-foot horizontal by 3-foot vertical from the ground.
 - b. Maximum height determined by height of sign.
 - c. **Location/number.** Only allowed as a permitted sign.
5. **Bulletin Board—All Other Uses.**
- a. **Size.** May encompass up to 50% of sign face area.
 - b. Maximum height determined by height of sign.
 - c. **Location/number.** Only allowed as of a permitted sign.
6. **Pole Signs.**
- a. **Church, School, Public/Semi-Public Facility.**
 - i. **Size.** Maximum 40 square feet per sign face (up to 2 faces).
 - ii. Maximum height 12 feet.
 - iii. **Location/number.** One sign may be located adjacent to each street frontage.
 - b. **Minor Business Complex.**
 - i. **Size.** Maximum 50 square feet per sign face (up to 2 faces).
 - ii. Maximum height 18 feet.
 - iii. **Location/number.** One sign may be located adjacent to each street frontage.

c. **Major Business Complex.**

- i. **Size.** Maximum sign face area of all signage allowed on a primary building frontage is 8% of the building elevation area of the primary building frontage, up to a maximum of 60 square feet.
 - (A) The total combined area of the marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.
 - (B) The total combined area of wall and blade/overhang signs on a primary frontage shall not exceed 12% of the building elevation area.
 - (C) The maximum sign face area of all signage allowed on a secondary building frontage is 6% of the building elevation area of the secondary building frontage, up to a maximum of 30 square feet.
- ii. **Maximum Height.** Shall not project above the roof line or top of the parapet wall, whichever is higher.
- iii. **Location/number.** One sign per building frontage for each business license on file with the City at the location.

7. **Awning Sign or Canopy Sign.**

a. **Use on Site—All Uses.**

- i. **Size.** Maximum sign face area of all signage allowed on a primary building frontage is 12% of the building elevation area of the primary building frontage, up to a maximum of 60 square feet.
 - (A) The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.
 - (B) The maximum sign face area of all signage allowed on a secondary building frontage is 8% of the building elevation area of the secondary frontage, up to a maximum of 30 square feet.
- ii. **Maximum Height.** Shall not project above the roofline or parapet wall whichever is higher..
- iii. **Location/number.** One sign per building frontage for each business license on file with the City at that location. Sign shall not extend more than 8 inches from the building face. Outer edge of sign shall be set back a minimum of 2 feet from the curb. A minimum 8½ foot clearance shall be provided between grade and bottom of the sign.

8. **Marquee Sign.**

a. **Use on Site—All Uses.**

- i. **Size.** Maximum sign face area of all signage allowed on a primary building frontage is 12% of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.

The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of the building elevation area allowed.

- ii. **Maximum Height.** Shall not project more than 8 feet above the roofline or parapet wall, whichever is higher the blade/overhang portion of the sign may extend above the roof line or parapet wall.
- iii. **Location/number.** One sign per primary building frontage for each business license on file with the City at that location. Outer edge of sign shall be setback a minimum of 2 feet from a curb.

9. **Window Sign.**

a. **Use on Site—All Other Uses.**

- i. **Size.** See Section 18.02.090(B).
- ii. Maximum height determined by height of window.
- iii. **Location/number.** Only allowed in ground floor or 2nd floor windows.

O. **Signs in the Commercial District.** In addition to the temporary and permanent signage allowed without permit in the following commercial zones the following signage is allowed subject to permit and fee:

1. **Monument Signs.**

a. **Church, School, or Public Facility.**

- i. **Size.** Maximum 48 square feet per sign face up to 2 sign faces.
- ii. Maximum height 9 feet.
- iii. **Location/number.** One sign may be located adjacent on each street frontage.

b. **Minor Business Complex.**

- i. **Size.** Maximum 100 square feet per sign face up to 2 sign faces.
- ii. Maximum height 12 feet.
- iii. **Location/number.** One sign, except on site abutting a collector or arterial street, 1 sign may be located adjacent to each collector/arterial street frontage.

c. **Major Business Complex.**

- i. **Size.** Maximum 150 square feet per sign face up to 2 sign faces.
- ii. Maximum height 12 feet.
- iii. **Location/number.** One sign, except on site abutting a collector or arterial street, 1 sign may be located adjacent to each collector/arterial street frontage.

d. **All Other Uses.**

- i. **Size.** Maximum 48 square feet per sign face up to 2 sign faces.
- ii. Maximum height 12 feet.
- iii. **Location/number.** One sign, except on site abutting a collector or arterial street, 1 sign may be located adjacent to each collector/arterial street frontage.

2. **Blade/Overhang Signs.**

- a. **All Other Uses.**
 - i. **Size.** Each sign shall have a maximum sign face area of 48 square feet. The total combined area of wall and blade/overhang signs on a primary frontage shall not exceed 12% of the building elevation area.
 - ii. **Maximum Height.** The height of the sign shall not project above the roofline or top of the parapet wall, whichever is higher.
 - iii. **Location/number.** One sign per building frontage for each business license on file with the City at that location.
3. **Wall Signs.**
- a. **All Uses.**
 - i. **Size.** Maximum sign area of all signage allowed on a primary building frontage is 8% of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.
 - (A) The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.
 - (B) The maximum sign face area of all signage allowed on a secondary building frontage is 6% of the building elevation area of the secondary building frontage, up to a maximum of 60 square feet.
 - (C) If the building elevation area of a primary or secondary building frontage exceeds 5,000 square feet, the total sign face area allowed on that frontage is 130 square feet.
 - ii. **Maximum Height.** Shall not project above the roofline or top of the parapet wall, whichever is higher.
 - iii. **Location/number.** One sign per building frontage for each business license on file with the City at that location.
4. **Reader Boards and Electronic Message Board Signs.**
- a. **Bulletin Board for Church, School, Public/Semi-Public Facility.**
 - i. **Size.** May encompass up to 75% of the sign face area.
 - ii. Maximum height determined by height of sign.
 - iii. **Location/number.** Only allowed as a permitted sign.
 - b. **Bulletin Board—All Other Uses.**
 - i. **Size.** May encompass up to 50% of sign face area.
 - ii. Maximum height determined by height of sign.
 - iii. **Location/number.** Only allowed as part of a permitted sign.
 - c. **Electronic Message Board—All Uses.**
 - i. **Size.** May be no larger than 8-foot horizontal by 3-foot vertical from the ground.
 - ii. Maximum height determined by height of sign.
 - iii. **Location/number.** Only allowed as part of permitted sign.

5. **Pole Signs.**
 - a. **Church, School, Public/Semi-Public Facility.**
 - i. **Size.** Maximum 48 square feet per sign face (up to 2 faces).
 - ii. Maximum height 18 feet.
 - iii. **Location/number.** One sign may be located adjacent each street frontage.
 - b. **Minor Business Complex.**
 - i. **Size.** Maximum 100 square feet per sign face (up to 2 faces).
 - ii. Maximum height 20 feet.
 - iii. **Location/number.** One sign; except on a site with more than 1 street frontage, 1 sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than 1 sign is permitted on a site, the signs must be separated by at least 300 feet.
 - c. **Major Business Complex.**
 - i. **Size.** Maximum 130 square feet per sign face (up to 2 faces).
 - ii. Maximum height 26 feet.
 - iii. **Location/number.** One sign; except on a site with more than 1 street frontage, 1 sign may be located adjacent each collector or arterial street frontage that is at least 500 feet in length. Where more than 1 sign is permitted on a site, the signs must be separated by at least 300 feet.
 - d. **All Other Uses.**
 - i. **Size.** Maximum 48 square feet per sign face (up to 2 faces).
 - ii. Maximum height 18 feet.
 - iii. **Location/number.** One sign; except 1 sign may be located adjacent each collector or arterial street frontage.
6. **Awning Sign and Canopy Sign.**
 - a. **Use on Site—All Uses.**
 - i. **Size.** Maximum sign face area of all signage allowed on a primary building frontage is 12% of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.
 - (A) The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of building elevation area allowed.
 - (B) The maximum sign face area of all signage allowed on a secondary building frontage is 8% of the building elevation area of the secondary frontage, up to a maximum of 30 square feet.
 - ii. **Maximum Height.** Shall not project above the roof line or parapet wall whichever is higher.
 - iii. **Location/number.** One sign per building frontage for each business license on file with the City at that location. Sign shall not project above the roof line. Sign shall not

extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8½ foot clearance shall be provided between grade and bottom of sign.

7. **Marquee Sign.**

a. **Use on Site—All Uses.**

- i. **Size.** Maximum sign face area of all signage allowed on a primary building frontage is 12% of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.

The total combined area of marquee signs, awning or canopy signs, and wall signs on a primary frontage shall not exceed the maximum percentage of the building elevation area allowed.

- ii. **Maximum Height.** Shall not project more than 8 feet above the roofline or parapet wall, whichever is higher the blade/overhang portion of the sign may extend above the roof line or parapet wall.
- iii. **Location/number.** Outer edge of sign shall be setback a minimum of 2 feet from a curb. A minimum 8½ foot clearance shall be provided between grade and bottom of sign.

8. **Window Signs.**

a. **Use on Site—All Other Uses.**

- i. **Size.** See Section 18.02.090(B).
- ii. Maximum height determined by height of window.
- iii. **Location/number.** Only allowed in ground floor or 2nd floor windows.

P. **Signs in the Community Planning Area.** In addition to the temporary and permanent signage allowed without permit in the Community Planning Area the following signage is allowed subject to a permit and fee.

1. **Monument Signs.**

a. **Church, School, or Public Facility.**

- i. **Size.** Maximum 32 square feet per sign face up to 2 sign faces.
- ii. Maximum height 7 feet.
- iii. **Location/number.** One sign may be located adjacent on each street frontage.

b. **Residential—None.**

c. **All Other Uses.**

- i. **Size.** Maximum 32 square feet per sign face up to 2 sign faces.
- ii. Maximum height 7 feet.
- iii. **Location/number.** One sign, except on site abutting a collector or arterial street, 1 sign may be located adjacent to each collector/arterial street frontage.

2. **Blade/Overhang Signs.**

a. **All Other Uses.**

- i. **Size.** Each sign shall have a maximum sign face area of 6 square feet.

- ii. **Maximum Height.** The height of the sign shall not project above the roofline or top of the parapet wall whichever is higher.
- iii. **Location/number.** One sign per building frontage for each business license on file with the City at that location.

3. **Wall Signs.**

a. **Church, School, Public/Semi-Public Facility.**

- i. **Size.** Maximum sign face area for each sign is 60 square feet on a primary building frontage.
The maximum sign face area of all signage allowed on a secondary building frontage is 6% of the building elevation area of the secondary building frontage, up to a maximum of 30 square feet.
- ii. **Maximum Height.** Shall not project above the roofline or top of the parapet wall, whichever is higher.
- iii. **Location/number.** One sign per building frontage.

b. **All Uses.**

- i. **Size.** The maximum sign face area of all signage allowed on a secondary building frontage is 6% of the building elevation area of the primary building.
The maximum sign face area of all signage allowed on a secondary building frontage is 4% of the building elevation of the secondary building frontage, up to a maximum of 8 square feet.
- ii. **Maximum Height.** Shall not project above the roofline or top of the parapet wall, whichever is greater.
- iii. **Location/number.** No more than 1 wall sign per building frontage for each business license on file with the City at that location. A wall sign shall not project more than 18 inches from the wall to which it is attached (or 12 inches from the wall on a building frontage abutting an alley).

4. **Bulletin Board Sign and Electronic Message Board Signs.**

a. **Bulletin Board for Church, School, Public/Semi-Public Facility.**

- i. **Size.** May encompass up to 75% of the sign face area.
- ii. Maximum height determined by height of sign.
- iii. **Location/number.** Only allowed as a permitted sign.

b. **Bulletin Board—All Other Uses.**

- i. **Size.** May encompass up to 50% of sign face area.
- ii. Maximum height determined by height of sign.
- iii. **Location/number.** Only allowed as part of a permitted sign.

c. **Electronic Message Board—All Uses.**

- i. **Size.** May be no larger than 8-foot horizontal by 3-foot vertical from the ground.
- ii. Determined by height of sign.
- iii. **Location/number.** Only allowed as part of permitted sign.

5. **Pole Signs.**

a. **Church, School, Public/Semi-Public Facility.**

- i. **Size.** Maximum 32 square feet per sign face (up to 2 faces).
- ii. Maximum height 8 feet.
- iii. **Location/number.** One sign may be located adjacent to each street frontage.

b. **All Other Uses.**

- i. **Size.** Maximum 32 square feet per sign face (up to 2 faces).
- ii. Maximum height 8 feet.
- iii. **Location/number.** One sign; except on a site with more than 1 street frontage, 1 sign may be located adjacent to each collector or arterial street frontage.

6. **Awning Sign or Canopy Sign.**

a. **Use on Site—Church, School, or Public/Semi-Public Facility.**

- i. **Size.** Maximum sign face area of all signage allowed on a primary building frontage is 12% of the building elevation area of the primary building frontage, up to a maximum of 50 square feet.

The maximum sign face area of all signage allowed on a secondary building frontage is 8% of the building elevation area of the secondary frontage, up to a maximum of 25 square feet.

- ii. **Maximum Height.** Shall not project above the roof line or parapet wall whichever is higher.
- iii. **Location/number.** One sign per building frontage for each business license on file with the City at that location. Sign shall not project above the roof line. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8½ foot clearance shall be provided between grade and bottom of sign.

b. **Use on Site.** All other uses not allowed.

7. Marquee sign not allowed.

8. **Window Sign.**

a. **Use on Site—All Other Uses.**

- i. **Size.** See Section 18.02.030(B).
- ii. Maximum height determined by height of window.
- iii. **Location/number.** Only allowed in ground floor or 2nd floor windows.

Q. **Signs in Industrial Districts.** In addition to the temporary and permanent signage allowed without permit in the following industrial zones the following signage is allowed subject to permit and fee:

1. **Monument Signs.**

- a. All uses in the M1 or M2 zones.
 - i. **Size.** Maximum 32 square feet per sign face up to 2 sign faces.
 - ii. Maximum height 6 feet.

- iii. **Location/number.** One sign.
 - b. **All Uses in Support Commercial.**
 - i. **Size.** Maximum 32 square feet per sign face up to 2 sign faces.
 - ii. Maximum height 8 feet.
 - iii. **Location/number.** One sign.
- 2. **Blade/Overhang Signs.**
 - a. **All Other Uses.**
 - i. **Size.** Each sign shall have a maximum sign face area of 48 square feet.
The total sign face area of all signs placed on a primary building frontage shall not exceed 12% of the building elevation area of the primary building frontage.
 - ii. **Maximum Height.** The height of the sign shall not project above the roofline or top of the parapet wall whichever is higher.
 - iii. **Location/number.** One sign per building frontage for each business license on file with the City at that location.
- 3. **Wall Signs.**
 - a. **All Uses.**
 - i. **Size.** Maximum sign face area of all signage allowed on a primary building frontage is 8% of the building elevation area of the primary building frontage, up to a maximum of 300 square feet.
The maximum sign face area of all signage allowed on a secondary building frontage is 6% of the building elevation area of the secondary building frontage, up to a maximum of 190 square feet.
 - ii. **Maximum Height.** Shall not project above the roofline or top of the parapet wall, whichever is higher.
 - iii. **Location/number.** Painted wall signs are prohibited. Internally illuminated box style signs, also called can signs, are prohibited. For other types of wall signs, 1 sign is permitted per building frontage for each business license on file with the City at that location.
- 4. **Reader Boards and Electronic Message Boards.**
 - a. **Bulletin Board—All Other Uses.**
 - i. **Size.** May encompass up to 50% of sign face area.
 - ii. Maximum height determined by height of sign.
 - iii. **Location/number.** Only allowed as part of a permitted sign.
 - b. **Electronic Message Board—All Uses.**
 - i. **Size.** May be no larger than 8-foot horizontal by 3-foot vertical from the ground.
 - ii. Determined by height of sign.
 - iii. **Location/number.** Only allowed as part of permitted sign.
- 5. Pole signs not allowed.

6. **Awning Sign or Canopy Sign.**

a. **Use on Site—All Uses.**

- i. **Size.** Maximum sign face area of all signage allowed on a primary building frontage is 12% of the building elevation area of the primary building frontage, up to a maximum of 120 square feet.

The maximum sign face area of all signage allowed on a secondary building frontage is 8% of the building elevation area of the secondary frontage, up to a maximum of 60 square feet.

- ii. **Maximum Height.** Shall not project above the roof line or parapet wall whichever is higher.
- iii. **Location/number.** One sign per building frontage for each business license on file with the City at that location. Sign shall not project above the roof line. Sign shall not extend more than 8 feet from the building face. Outer edge of sign shall be set back a minimum of 2 feet from a curb. A minimum 8½ foot clearance shall be provided between grade and bottom of sign.

7. Marquee sign not allowed.

8. **Window Signs.**

a. **Use on Site—All Uses.**

- i. **Size.** See Section 18.02.090(B).
- ii. Maximum height determined by height of window.
- iii. **Location/number.** Only allowed in ground floor or 2nd floor windows. (Ord. 2010-15 §1; Ord. 2010-04 §1)

18.02.110 Permanent signs exempt from permit and fee.

The following signs shall comply with all provisions and regulations of this chapter; however, no fee, permit or application is required:

- A. One sign not exceeding 1 square foot in area hung from a building.
- B. One sign not exceeding 2 square feet in area placed on any occupied residential lot.
- C. **Incidental Signs.** Not exceeding 6 square feet in area shall be allowed on any parcel that a multiple dwelling is constructed.
- D. **Public Signs.** For hospitals or emergency services, legal notices, railroad signs, and danger signs.
Signs or tablets (including names of buildings, and the date of erection) when cut into any masonry surface, or constructed of bronze or other noncombustible surface not to exceed 8 square feet in area.
- E. **Athletic Field Signs.** Rigid signs located on the outfield fence of athletic fields may be installed. Each individual sign shall be no more than 32 square feet in area. There shall be no more than 32 square feet of area for any 8 linear feet of fence. The maximum height shall not exceed 8 feet above grade. The signs shall be placed so as to be visible from the interior of the field and/or viewing stands. One sign located at 1 end of the field visible to spectators shall have a maximum height of 15 feet above grade and shall be a maximum of 64 square feet.

- F. Accessory signs within a commercial or industrial zone which are permanent and an internal part of permitted outdoor accessory or display structures such as soft drink machines, fuel pumps, and newspaper dispensers.
- G. No “solicitation” sign pursuant to size.
- H. Signs attached to or carried by a person limited to 6 square feet in total size.
- I. Flags as outlined in Chapter 21.30. (Ord. 2010-15 §1; Ord. 2010-04 §1)

18.02.120 Regulation of temporary signs.

The following signs shall comply with all provisions and regulations of this chapter; however, no fee, permit or application is required. Temporary signs are prohibited signs except as provided by this section.

A. Generally.

1. **Illumination.** No temporary sign shall be internally or externally illuminated.
2. **Location.**
 - a. No temporary sign shall extend into or over the public right-of-way of any street.
 - b. Signs allowed in the right-of-way for temporary traffic control shall provide a minimum of 5 feet of clear passage of pedestrians on the sidewalk where a sidewalk exists and shall come no closer than 2 feet from areas subject to vehicular travel.
 - c. No temporary sign shall extend into the vision clearance area.
3. **Maintenance.** Temporary signs shall be kept neat, clean and in good repair. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed.
4. **Placement.** Except as provided by this section, temporary signs shall not be attached to trees, shrubbery, utility poles, or traffic control signs or devices. They shall not obstruct or obscure primary signs on adjacent premises.
5. **Sign Collection and Retrieval.**
 - a. The City may collect temporary signs placed in the public right-of-way without a permit.
 - b. Each sign collected will be stored for a minimum of 30 days.
 - c. Notice will be mailed within 3 business days of the date of collection to the owner of each sign if the ownership is reasonably discernible from the sign or as previously filed by the owner of the sign with the Planning Department.
 - d. The owner of a sign may retrieve a sign collected by the City within 30 days of the collection date. The owner must present proof of ownership of the sign and pay a sign retrieval fee in the amount established by City Council resolution.
 - e. The owner of the sign may request a hearing-meeting before the Planning-CommissionCity Manager to contest the sign removal. To request a hearingmeeting, the owner of a sign must file-an-applicationrequest in writing for a hearing-meeting and pay a hearing fee in an amount established by resolution of the City Council within 15 days of the date of mailing of the notice as provided in subsection (A)(5)(c) above. ~~The hearing fee and the sign retrieval fee are refunded if the Planning Commission finds that the sign was removed improperly. At the hearing, testimony and evidence begins with the City, followed by the owner, and concludes with rebuttal by the City. After the evidence has been provided, the~~

~~Planning Commission will close testimony and issue a written decision that states the facts of the case and the conclusions of the decision.~~

B. Allowed Signage.

1. To any residential zone temporary signage shall be allowed for each and every lot. This signage shall not be restricted by content, but is usually and customarily used to advertise real estate sales, political or ideological positions, garage sales, home construction or remodeling, etc. Signage shall be allowed for each lot as follows:
 - a. Temporary signs not exceeding 6 square feet, provided the signs are erected not more than 90 days prior to an election and removed within 5 days following the election.
 - b. One temporary sign not exceeding 6 square feet provided the sign is removed within 15 days from the sale, lease or rental of the property or within 7 days of completion of any construction or remodeling. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously. On tracts of land of more than 2 acres in residential zones the sign area may be increased to 32 square feet. In no case shall the sign or signs be erected for more than 12 months.
 - c. One temporary sign not exceeding 4 square feet in area which is erected for a maximum of 8 days in any calendar month and is removed by sunset on any day it is erected.
 - d. Temporary signs erected within a building which do not obstruct more than 10% of any individual window surface.
2. In any commercial or industrial zone temporary signage shall be allowed for each and every lot. This signage shall not be restricted by content, but is usually and customarily used to advertise real estate signs, political or ideological positions, construction or remodeling, etc. The signage shall be allowed for each lot as follows:
 - a. Temporary signs not exceeding 6 square feet, provided the signs are erected not more than 90 days prior to an election and removed within 5 days following the election.
 - b. Temporary sign not exceeding 32 square feet provided said signs are removed within 15 days from the sale, lease or rental of the property or within 7 days of completion of any construction or remodeling. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously.
 - c. Temporary non-illuminated signs not exceeding 16 square feet for charitable fundraising events placed by nonprofit and charitable organizations. Such signs shall not be placed more than 7 days prior to the event and must be removed within 2 days following the event. No more than 3 such events shall be advertised in this manner per lot per year.
 - d. Temporary signs not exceeding 16 square feet in area erected in association with the temporary uses allowed by code including Christmas tree sales, pushcart vendors, Saturday market and sidewalk sales. This signage shall be allowed for the same duration as the temporary use. (Ord. 2010-15 §1; Ord. 2010-04 §1)

18.02.130 Temporary signs requiring a permit.

- A. The City Manager may allow temporary signs larger than those allowed by this Code to be erected. This signage shall not be restricted by content, but is usually and customarily used to advertise special events and store openings on banners. The City Manager shall allow the erection of such signs only if

the City Manager finds that the proposed sign will not materially impair the purposes of the Sign Code. Seasonal decorations erected within the public right-of-way shall be considered to be such signs. These signs shall meet all applicable City Code provisions. Lighting of such signs will be reviewed as part of the application and may be allowed depending on impact to surrounding development.

- B. The following requirements shall be met, as applicable:
 - 1. Written consent from the property owner where the sign will be located shall be provided. The consent shall identify any restrictions that the property owner requires of the permit holder. Banners hung from utility poles shall require written approval from Portland General Electric. Banners hung over a state highway will require written approval from the Oregon Department of Transportation.
 - 2. Plans or a description showing the location of the sign; banner height above the right-of-way; support devices for the banner; and proposed dates shall be provided.
 - 3. The display period shall not exceed 25 consecutive days in duration and no more than once in any 12-month period. All such signs shall be removed no later than 1 day following the event being advertised.
 - 4. A copy of any liability and/or property damage insurance required by the property owner where the sign or banner will be located.
 - 5. A signed rebate and indemnity agreement shall be provided if placing a banner over the public right-of-way.
 - 6. The extent of signage allowed and the location of the signage is at the discretion of the City Manager.
- C. The extent of signage allowed and the location of the signage is at the discretion of the City Manager.
- D. Any temporary sign that exceeds 6 square feet in size. (Ord. 2010-15 §1; Ord. 2010-04 §1)

18.02.140 Signs requiring a permit.

- A. It is unlawful and a civil infraction for any person to erect, construct, alter or relocate any sign without first obtaining a permit pursuant to the provisions of this chapter unless a provision of this chapter specifically exempts a sign from the permit requirement.
- B. It is unlawful and a civil infraction for any person to construct a sign that is not specifically allowed by this chapter or to erect, construct, maintain or allow to exist a sign in violation of the terms of the permit issued pursuant to this chapter. (Ord. 2010-15 §1; Ord. 2010-04 §1)

18.02.150 Automobile service station sign standards.

Sign denoting gasoline prices, as provided for in Oregon Revised Statutes 649.030, are permitted subject to the following provisions:

- A. Maximum area on 1 sign face is 20 square feet.
- B. Maximum height is 25 feet or that required under freestanding signs whichever is less.
- C. Only 1 gasoline sign shall be allowed per business location street frontage. (Ord. 2010-15 §1; Ord. 2010-04 §1)

18.02.160 Signage on cars.

Signs on cars not otherwise discussed in the MDC shall meet the following requirements:

- A. Shall not project beyond the original frame of the vehicle more than 1/4 inch; exceptions: pizza delivery, taxi, and the like;
- B. Shall not be larger than 6 square feet; car wraps are exempt from the size requirements; and
- C. Shall not be parked in a right-of-way for periods of time to be used as a portable sign. (Ord. 2010-15 §1; Ord. 2010-04 §1)

18.02.170 Garage/household sales.

Signs advertising household goods, such as a garage sale, are permitted, subject to the following provisions:

- A. Maximum area on 1 sign face is 6 square feet.
- B. Height of 3 square feet.
- C. On premises sign—One sign.
- D. Three off-premises A-frame signs.
- E. Placement no earlier than 8:00 a.m. on the first day and removal no later than 7:00 p.m. on the last day.
- F. Sign cannot create a traffic hazard, impede pedestrian passage or create a public nuisance.
- G. All garage sale signs shall include the address of the location of the garage sale.
- H. The City shall have available a reasonable supply of professional sale signs that can be rented by individuals. In addition, the City may secure a deposit to recover the cost of replacing the sign in the event of damage or loss. (Ord. 2010-15 §1; Ord. 2010-04 §1)

18.02.180 Nameplates.

Nameplates identifying the occupant of a residence are permitted outright when not exceeding 1 square foot in size. (Ord. 2010-15 §1; Ord. 2010-04 §1)

18.02.190 Open house signs/for sale signs.

- A. Additional temporary single or double-faced open house signs shall be permitted on private property during daylight hours provided such additional temporary signs are removed prior to sunset the day of placement. Such signs are permitted only on private property with the consent of the occupant. Units displaying an open house sign must remain unlocked during the time the sign is posted. An open house is to be attended by the seller or representative at all times during the open house. This section does not apply to model homes within subdivisions or model apartment units. An open house sign may not be displayed for the same address for more than 2 consecutive weekends.
- B. One temporary sign per frontage, not exceeding 6 square feet in area, during the time of sale, lease or rental of the lot/structure provided that the sign is removed within 30 days of the sale, lease or rental of the lot/structure. (Ord. 2010-15 §1; Ord. 2010-04 §1)



ORDINANCE NUMBER 2019-03

**AN ORDINANCE OF THE CITY OF MOLALLA, OREGON.
AMENDING THE MOLALLA MUNICIPAL CODE CHAPTERS 10.70 AND
10.72 UPDATING THE CITY'S REGULATIONS FOR TOWING AND
DISPOSITION OF VEHICLES.**

WHEREAS, Chapter 10.70 of the Molalla Municipal Code regulates towing and disposition of vehicles; and

WHEREAS, Chapter 10.72 of the Molalla Municipal Code regulates parking, storage and maintenance of inoperable vehicles; and

WHEREAS, Chapters 10.70 and 10.72 were last updated more than twenty years ago; and

WHEREAS, the Molalla Police Department has found the notice timeframes for towing onerous and out of line with state law and other jurisdictions; and

WHEREAS, the Molalla Police Department also wishes to amend when the Department will tow a vehicle to align with current practice and when a vehicle is considered "parked, stored, or permitted to be parked or stored" on a City street or right-of-way.

NOW, THEREFORE, THE CITY OF MOLALLA ORDAINS AS FOLLOWS:

Section 1: Chapter 10.70.010 of the Molalla Municipal Code is hereby amended as follows (additions in underline and deletions in ~~strike through~~ fonts):

When a vehicle may be towed.

A vehicle may be towed and held at the expense of the owner or person entitled to possession thereof from:

- A. Any public right-of-way, public park or other public place, when:
 - 1. The vehicle is parked in violation of a temporary or permanent parking restriction;

2. The vehicle is parked unlawfully or in a manner that may be hazardous to traffic;
 3. The vehicle is parked on City-owned or operated property without express City permission;
 4. The vehicle was used in committing a traffic or parking violation for which an unserved warrant or citation is on file with the Clerk of any Court;
 5. The vehicle has been reported stolen;
 6. The vehicle or its contents are to be used as evidence in traffic or criminal prosecutions;
 7. The vehicle is in possession of a person taken into custody by a law enforcement agency, no other reasonable disposition of the vehicle is available and the location of the vehicle creates a public safety hazard or there is a need to protect the vehicle; or
 8. The vehicle is parked in a space that is marked as reserved for disabled persons unless such vehicle conspicuously displays appropriate decals, insignia, or registration plates as required by state statutes. ~~;~~
 9. ~~A police officer reasonably believes that the vehicle's operator is driving without liability insurance.~~
- B. Private property if:
1. The vehicle is parked or stopped without the permission of the person in control of such property; or
 2. Is parked or stopped in violation of this title or in violation of state law.

Section 2: Chapter 10.70.020 of the Molalla Municipal Code is hereby amended as follows (additions in underline and deletions in ~~strikethrough~~ fonts):

Towing without prior notice.

Any authorized officer may, without prior notice, order a vehicle towed, when:

- A. The vehicle is impeding or likely to impede the normal flow of vehicular or pedestrian traffic;
- B. The vehicle is illegally parked in a conspicuously posted restricted space, zone, or traffic lane where parking is limited to designated classes of vehicles or is prohibited in excess of a designated time period, or during certain hours, or on designated days, or at any time and place the vehicle is interfering or reasonably likely to interfere with the intended use of such a space, zone, or traffic lane;
- C. The vehicle poses an immediate danger to the public safety;
- D. The vehicle is illegally parked within 10 feet of a fire hydrant;
- E. A police officer reasonably believes that the vehicle is stolen;

- F. A police officer reasonably believes that the vehicle or its contents constitute evidence of any offense, if such towing is reasonably necessary to obtain or preserve such evidence;
- G. The vehicle was in possession of a person taken into custody by a law enforcement officer, ~~and~~ no other reasonable disposition of the vehicle is available and the location of the vehicle creates a public safety hazard or there is a need to protect the vehicle.
- ~~H. The vehicle is in the possession of a person arrested for any felony traffic offense, as defined by Oregon Revised Statutes; or~~
- ~~I. A police officer reasonably believes that the vehicle's operator is driving uninsured.~~

Section 3: Chapter 10.70.050 of the Molalla Municipal Code is hereby amended as follows (additions in underline and deletions in ~~striketrough~~ fonts):

Notice of vehicle tow.

When notice is required before towing a vehicle, notice shall be provided by:

- 1. Affixing a tow warning to the vehicle at least 72 hours ~~10 days~~ prior to the tow; and
 - 2. Mailing a notice to the registered owner(s) and any other person(s) who reasonably appear to have an interest in the vehicle within 24 hours ~~48 hours~~, Saturdays, Sundays, and holidays excluded, after the tow warning is affixed to the vehicle.
- B. The tow warning and the mailed notice will state:
- 1. The vehicle is parked in violation of City code or state law;
 - 2. The City intends to tow and remove the vehicle (in 72 hours) if the violation is not corrected; and
 - 3. A hearing is available to contest the validity of the intended tow, and state the method of requesting a hearing, including the date by which a hearing may be requested.
- C. If a timely request for hearing is received pursuant to Section 10.70.090, the vehicle will not be towed until the Tow Hearings Officer makes a determination.

Section 4: Chapter 10.70.090 of the Molalla Municipal Code is hereby amended as follows (additions in underline and deletions in ~~striketrough~~ fonts):

Request for hearing.

- A. After a vehicle has been towed pursuant to Section 10.70.060, and prior to towing pursuant to Section 10.70.050, the owner(s) and any other person(s) who reasonably appear to have an interest in the vehicle are, upon timely application filed

with the Tow Hearings Officer, entitled to request a hearing to contest the validity of the tow or intended tow of the vehicle.

1. In the case of a vehicle towed pursuant to Section 10.70.060, such application must be filed with and received by the Tow Hearings Officer not later than 5 days ~~10 days~~ after the vehicle was towed. The 5-day notice does not include holidays, Saturdays or Sundays.

2. In the case of a vehicle proposed to be towed pursuant to Section 10.70.050, such application must be filed with and received by the Tow Hearings Officer not later than 5 days ~~10 days~~ after the notice was mailed. ~~affixing of the tow warning to the vehicle.~~ The 5-day notice does not include holidays, Saturdays or Sundays.

B. The Tow Hearings Officer may, for good cause shown, grant a request for hearing filed after the foregoing time requirements have expired. If the mailing of the towed vehicle notice was delayed, the Tow Hearings Officer will grant a request for hearing received and filed within 5 days ~~10 days~~ of the mailing date of the notice or 5 days ~~10 days~~ of the date the vehicle was reclaimed, whichever first occurs. The 5-day notice does not include holidays, Saturdays or Sundays.

C. The request for hearing must be in writing and will state the grounds upon which the person requesting the hearing believes the tow or proposed tow invalid, or, for any other reason unjustified. The request for hearing will also contain such other information, relating to the purposes of this chapter, as the Tow Hearings Officer may require.

D. The Tow Hearings Officer will set and conduct an administrative hearing on the matter within 72 hours ~~14 days~~ of receipt of a proper request filed pursuant to this section. ~~In all cases where a vehicle has been towed and not yet released, however, the Tow Hearings Officer will set and conduct the hearing within 72 hours, not including Saturdays, Sundays, or holidays, on receipt of the request. The 72-hour period does not include holidays, Saturdays or Sundays.~~

Section 5: Chapter 10.72.020 of the Molalla Municipal Code is hereby amended as follows (additions in underline and deletions in ~~strikethrough~~ fonts):

Storage of vehicles or personal property on public property – Designated time limits.

A. No person shall park, store, or permit to be parked or stored, a motor vehicle, trailer, bus, camper, motor home, recreational vehicle, boat, or other personal property on any public street, right-of-way or other public property in excess of 72 hours without express written permission of the City Manager or designee; provided, however, that passenger vehicles with seating for up to 12 persons may be parked or

stored for a period of up to 14 consecutive days. This section shall not apply to vehicles or other property being stored or impounded by the City of Molalla or any other municipal entity.

B. A recreational vehicle, motor home or camper may be parked on public property longer than the period allowed in subsection A of this section if:

1. It is owned by the resident or guest of the resident of the property in front of which it is parked; and

2. It is parked in the public street or right-of-way adjacent to the lot of the resident; and

3. It is parked in a manner which does not interfere with traffic or create a hazard by obstructing the view of drivers; and

3. It is parked in such location no longer than 10 days in any calendar year.

C. A motor vehicle, trailer, bus, camper, motor home, recreational vehicle, boat, or other personal property is considered parked, stored, or permitted to be parked or stored if it remains in the same half mile radius without first exiting the half mile radius.

D. Any attempt to delay, alter, or circumvent the effectiveness of the tow process by re-positioning a vehicle on the roadway without permanently removing the vehicle may be a violation of ORS 162.235 (Obstructing governmental or judicial administration) which is a Class A misdemeanor.

Section 6: This Ordinance shall take effect 30 days after enactment.

Read the first time on _____ and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

Jimmy Thompson, Mayor

ATTEST:

Kelly Richardson, CMC, City Recorder