

Chapter 17.06

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17.06.005 Generally.

The words and phrases used in Title 17 shall have the meanings set out in Chapter 17.06 (definitions) unless the context otherwise requires.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.010 Access.

"Access" means the right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.013 Accessory dwelling unit.

"Accessory dwelling unit" means an additional, smaller, subordinate dwelling unit located on the same lot as a detached single-family dwelling. An accessory dwelling may be created as a detached structure or within, or as an addition to, a detached single-family dwelling or accessory structure.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990; Ord. 1289, 2000

17.06.015 Accessory use or accessory structure.

"Accessory use" or "accessory structure" means a use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.020 Alley.

"Alley" means a street which affords only a secondary means of access to the property.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.025 **History:** Ord. 1131 §2(part), 1990; Repealed by Ord. 1323§1 (part), 2002.

17.06.030 **History:** Ord. 1131 §2(part), 1990; Repealed by Ord. 1323§1 (part), 2002.

17.06.035 Automobile service station.

"Automobile service station" means a retail place of business engaged primarily in the sale of motor fuels, but also supplying goods and services required in the operation and maintenance of automotive vehicles. These may include petroleum products, tires, batteries, automotive accessories and replacement items, washing and lubrication services, or automobile and truck maintenance and repair, and the supplying of other incidental customer services and products, but not painting, body and fender work, and storage of autos and trucks.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.040 Automobile storage or repair garages.

"Automobile storage or repair garages" means a premises used for the storage, repair, or sale of used automobile vehicles or automotive parts.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990.

17.06.045 Boardinghouse, lodging house, or rooming house.

"Boardinghouse", "lodginghouse" or "roominghouse" means a building or portion thereof without separate housekeeping facilities to be occupied, or which is occupied primarily by persons paying consideration for sleeping purposes where meals may or may not be served.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990.

17.06.050 Building.

"Building" means a structure built for the support, shelter or enclosure of any persons, animals, chattels, or property of any kind excepting uncovered patios or decks not exceeding thirty inches in height above the average grade of the adjoining ground.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990.

17.06.055 Building height.

"Building height" means the vertical distance measured from the adjoining street center line grade as established by the city to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to a mean height level between the eaves and ridge for a gable, hip or gambrel roof; provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade at the front of the building.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990.

17.06.060 Building line, front.

"Front building line" means a line parallel and adjacent to the front of that structure which is closest to the front lot line. For purposes of this definition, the front of a structure is the side facing the front lot line. A front building line extends from one side lot line to the opposite side lot line.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990; Ord. 1323 §1 (part), 2002.

17.06.065 Building official.

"Building official" means the building official of the city.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990.

17.06.070 Carport.

"Carport" means a stationary structure consisting of a roof with its supports and not more than two walls, or a storage cabinet substituting for one of the walls, and used for sheltering a motor vehicle, boat or recreation vehicle.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990.

17.06.075 Cattery.

"Cattery" means ten or more cats owned or boarded on the premises.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990.

17.06.080 Change of use for purposes of the greenway zone only.

"Change of use for purposes of the greenway zone only" means a different use than that which existed on December 6, 1975. It includes a change that requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building that does not substantially alter or affect the land or water upon which it is situated. Change of use shall not include the completion of a structure for which a valid permit has been issued as of December 6, 1975, and under which permanent substantial construction has been undertaken by July 1, 1976. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990; Ord. 1323 §1 (part), 2002.

17.06.085 Chapter.

"Chapter" means a portion of this ordinance identified by a four digit number (for example, Chapter 17.06, Definitions.)

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990.

17.06.090 City.

"City" means the City of Gladstone, Oregon.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.095 City Council.

"City Council" means the governing body of the city.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.100 City administrator or designee.

"City administrator" or "designee" means the administrator of the city or a person designated by the City Administrator.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.105 Comprehensive plan.

"Comprehensive plan" means the official plan adopted by the city for the guidance of growth and improvement, including modifications or refinements which may be made from time to time.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.110 **History:** Ord. 1131 §2 (part), 1990; Repealed by Ord. 1323 § 1 (part), 2002.

17.06.115 Day care center.

"Day care center" means any facility, institution, establishment or place not a part of a school that provides day care to thirteen or more children, including children of the provider, regardless of full or part-time status, under thirteen years of age.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.117 Days.

"Days" means calendar days without reference to business days or holidays unless specifically stated to the contrary.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.120 Development for purposes of the greenway zone only.

"Development for purposes of the greenway zone only" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, parking lots, mining, dredging, filling, grading, paving, excavation or drilling operations, to bring about growth or availability, to construct or alter a

structure, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights of access.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.125 Development permit.

"Development permit" means a building permit, subdivision approval, temporary permit, or any other permit required by the city before development can occur.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.130 Drinking establishment.

"Drinking establishment" means a place of business which requires a permit and/or license from the Oregon Liquor Control Commission for the dispensing of liquor for consumption upon the premises.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.135 Durable and dustless surface.

"Durable and dustless surface" means a surface providing a hard topping which is free from mud conditions in wet weather and dusty conditions in dry weather, specifically including concrete or asphaltic concrete or like material but specifically excluding gravel and dirt.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.140 Dwelling, multi-family.

"Multi-family dwelling" means a building or portion thereof, designed for occupancy by three or more families living independently of each other.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.145 Dwelling, single-family.

"Single-family dwelling" means a detached building containing one dwelling unit located on a single lot, and designed for occupancy by one family only.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.150 Dwelling, two-family.

"Two-family dwelling" means a detached building containing two dwelling units and designed for occupancy by two families independent of each other.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.155 Dwelling unit.

"Dwelling unit" means one or more rooms for occupancy by one family for living purposes that is identified by a single street address and has common entrances and internal access. Trailer coaches shall not be considered as dwelling units, except when located in mobile home courts or parks.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990; Ord. 1171 §1(1), 1993.

17.06.160 Easement

"Easement" means a grant of the right to use a strip of land for specific purposes.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.165 Eating establishment.

"Eating establishment" means a place of business which serves food but does not require a permit and/or license from the Oregon Liquor Control Commission.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.170 Exterior.

"Exterior" means any portion of the outside of a structure which can be seen from a public place.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.175 Family.

"Family" means one person or two or more persons related by blood, marriage, legal adoption or legal guardianship, living together as one housekeeping unit using one kitchen and providing meals or lodging to not more than two additional persons, excluding servants or a group of not more than five unrelated persons living together as one housekeeping unit using one kitchen.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.180 Fence or hedge, sight-obscuring.

"Sight-obscuring fence or hedge" means a fence consisting of wood, metal, masonry or similar materials, or an evergreen hedge or other evergreen planting, arranged in such a way as to obscure vision at least eighty percent (80%).

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990; Ord. 1323 §1 (part), 2002.

17.06.185 **History:** Ord. 1131 §2 (part), 1990; Repealed by Ord. 1334, 2004.

17.06.190 **History:** Ord. 1131 §2 (part), 1990; Repealed by Ord. 1334, 2004.

17.06.195 Floor area.

"Floor area" means the sum of the gross horizontal area of the several floors of a building, measured from the exterior faces of the exterior walls, or from the center line of walls separating two buildings, but not including:

(1) Attic space providing headroom of less than seven feet.

(2) Basement or cellar.

(3) Uncovered steps or fire escapes.

(4) Private garages, carports or porches.

(5) Accessory water towers or cooling towers.

(6) Accessory off- street parking or loading spaces.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.200 Foster home.

"Foster home" means any dwelling occupied and maintained by a person or persons licensed or certified by the state or other authorized agency to provide extended or temporary care, food, and lodging in such home for not more than seven dependent individuals beyond the number defined as a family. A foster home is not a hospital, nursing home, or home for the aged as defined in Oregon Revised Statutes, nor does it include a halfway house, work release center, or any other domiciliary facility for persons released from any penal or correctional institution.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

[**Ed. Note:** The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

17.06.205 Frontage.

"Frontage" means property abutting on a street.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.210 Grade, ground level.

"Ground level grade" means the average elevation of the finished ground elevation at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.213 Gross leasable area (GLA).

"Gross leasable area (GLA)" means the total floor area designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1289 §1 (part), 2000.

17.06.215 Group home.

"Group home" means any home occupied and maintained by a person or persons licensed by the state or other appropriate agency to provide extended or temporary care, food and lodging in such home for from eight to ten dependent individuals beyond the number defined as a family. A group home is not a foster home, hospital, nursing home or home for the aged as defined in Oregon Revised Statutes, nor does it include a halfway house, work release center, or any domiciliary facility for persons released from any penal or correctional institution.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

17.06.220 Home occupation.

"Home occupation" means an occupation, profession, or craft which is customarily incidental to or carried on in a dwelling place or premises and not one in which the use of the premises as a dwelling place is largely incidental to the occupation carried on, and which occupation is carried on by an immediate member of the family residing within the dwelling place; provided, however, there shall be no structural alteration or changes in the dwelling, or on the premises and there is no display of merchandise, storage materials, signs or articles or objects awaiting or in the process of repair, remodeling, or modification on the premises which can be seen from the exterior of the dwelling. Noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the use shall not be of the intensity as to be detected outside of the containing structure.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.225 Hospitals.

"Hospitals," "nursing homes" and "homes for the aged" means the same as defined in the Oregon Revised Statutes.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

17.06.230 Hotel.

"Hotel" means a building or portion thereof designed or used for occupancy of transient individuals who are lodged with or without meals and in which no provision is made for cooking in any individual room or suite.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.233 Institutional use

"Institutional use" means a church, school, public facility, hospital, nursing home or home for the aged.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1289 §1 (part), 2000; Ord. 1292 §1 (part), 2000.

17.06.235 Intensification of use for purposes of the greenway zone.

"Intensification of use for purposes of the greenway zone" means any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below in this section is an intensification when it will substantially alter the appearance of the structure. (Intensification shall not include the completion of a structure for which a valid permit has been issued as of December 6, 1975, and under which substantial construction has been undertaken by July 1, 1976.) Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or protection of the greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures, or construction or placement of such subsidiary

structures or facilities adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purposes of this district. Seasonal increases in gravel operation shall not be considered an intensification of use.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.240 Kennel.

"Kennel" means four or more dogs with permanent canine teeth owned or boarded on the premises.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.245 Landscaping.

"Landscaping" means the improvement of land by means such as contouring, plantings, fencing and the placement of outdoor structures.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.247 Land use decision.

"Land use decision" includes a final decision or determination that concerns the adoption, amendment, interpretation or application of the goals, comprehensive plan provision, land use regulation, but does not include:

(1) A decision which is made under the city's development standards which do not require interpretation or the exercise of facts, policy, or legal judgment.

(2) A decision which approves, approves with conditions or denies a subdivision or partition and is consistent with the city's development standards.

(3) Approval or denial of a building permit.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.250 Livestock.

"Livestock" means domestic animals of types customarily raised or kept on farms for profit or other purposes.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.255 Loading space.

"Loading space" means an off-street space or berth on the same lot or parcel with a building or use or contiguous to a group of buildings or uses for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials and which space or berth abuts upon a

street, alley or other appropriate means of access and egress.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.260 Lot.

"Lot" means a unit of land that is created by a subdivision of land. For the purposes of this title, "lot" includes "parcel" and "lot of record" unless the context otherwise requires.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990; Ord. 1323 §1 (part), 2002.

17.06.265 Lot area.

"Lot area" means the total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public streets.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.270 Lot, corner.

"Corner lot" means the total area of a lot abutting on two or more streets, other than an alley, at their intersection.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.275 Lot coverage.

"Lot coverage" means the area covered by a building or buildings on a lot, expressed as a percentage of the total lot area.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.280 Lot depth.

"Lot depth" means the average horizontal distance between the front lot line and rear lot line.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.282 Lot, flag.

"Flag lot" means a lot that has access to a street by means of a narrow deeded strip of land or easement.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1289 §1 (part), 2000.

17.06.285 Lot line.

"Lot line" means the property line bounding a lot.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.290 Lot line, front.

"Front lot line" means a lot line separating a lot from a street other than an alley. In the case of a corner lot, either of the lot lines separating the lot from a street other than an alley may be designated by the property owner as the front lot line with the other such lot line designated as a street side lot line. Except as modified by GMC Subsection 17.76.040(5), the front lot line of a flag lot, for the purposes of determining minimum yard requirements, shall be a line within the boundaries of the lot by a distance equal to the width of the narrow deeded strip of land or easement providing access to the lot from the street. The line shall be parallel to the lot line that extends from the street to the lot line opposite and most distant from the street.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990; Ord. 1289 §1 (part), 2000; Ord. 1323 §1 (part), 2002.

17.06.295 Lot line, rear.

"Rear lot line" means the lot line that is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, the rear lot line is a line ten feet (10') in length within the lot parallel to and at a maximum distance from the front lot line.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990; Ord. 1323 §1 (part), 2002.

17.06.300 Lot line, side.

"Side lot line" means any lot line not a front or rear lot line.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990.

17.06.301 Lot line, street side.

"Street side lot line" means a side lot line separating a lot from a street other than an alley.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1323 §1 (part), 2002.

17.06.305 Lot of record.

"Lot of record" means a lot or parcel in a recorded plat. For units of land that are not lots or parcels in a recorded plat, "lot of record" means a unit of land or aggregate of contiguous units of land held in a single ownership, as recorded in the office of the Clackamas County Recorder on October 26, 1971.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990; Ord. 1323 §1 (part), 2002.

17.06.310 Lot, through.

"Through lot" means an interior lot having frontage on two streets other than alleys.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990.

17.06.315 Lot width.

"Lot width" means the average horizontal distance between the side lot lines.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990.

17.06.320 **History:** Ord. 1131, §2 (part), 1990; Repealed by Ord. 1171 §1(K), 1993.

17.06.325 Major remodeling.

"Major remodeling" means any work that substantially alters the exterior appearance of a structure or off-street parking area.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990; Ord. 1323 §1 (part), 2002.

17.06.328 Manufactured dwelling.

"Manufactured Dwelling" means a single family dwelling with a Department of Housing and Urban Development (HUD) label certifying that the structure was constructed on or after June 15, 1976, and met the requirements of the Federal Manufactured Housing Construction and Safety Standards and Regulations in effect at the time of construction, consistent with 1989 Oregon Laws, Chapter 380, 1989. This definition shall not apply to structures known as "modular homes" where such modular homes are constructed in accordance with all requirements of the state building code for modular homes and bear the Seal of Approval of the State of Oregon, Building Codes Agency.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1171 §1(A), 1993; Ord. 1179 §11(A), 1993.

[**Ed. Note:** The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

17.06.330 **History:** Ord. 1131 §2(part),1990;Ord.1179§11(B),1993;Repealed by Ord 1323 §1 (part), 2002.

17.06.335 **History:** Ord. 1131 §2(part), 1990; Repealed by Ord. 1171 §1(L), 1993.

17.06.336 Mini-storage.

"Mini-storage" means a storage and warehousing service within a building(s) primarily for individuals to store personal effects and by business to store materials for

operation of an industrial or commercial enterprise located elsewhere. In no case may storage spaces in a mini-warehouse facility function as an independent retail, wholesale business, or service use. Spaces shall not be used for workshops, hobby shops, manufacturing, or similar uses and human occupancy of said spaces shall be limited to that required to transport, arrange, and maintain stored materials. The location of an owner or manager residence on the premises is permitted.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1256 §1, 1998.

17.06.338 Mixed use development.

"Mixed use development" means development or buildings where land uses are mixed together. This can include residential and commercial, or office and retail. Uses may be mixed in one building "vertically" where there is one use on the ground floor and a different use above in one building, or "horizontally" where a variety of uses are next to each other in one building.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1289 §1 (part), 2000.

17.06.340 Mobile home.

"Mobile Home" means a single family dwelling originally designed and constructed to be movable or portable, constructed to be transported on its own chassis and designed originally without a permanent foundation, whether or not a permanent foundation is subsequently provided, or two or more units separately transportable but designed to be joined into an integral unit, and which do not conform to all requirements of the building code for other residences and not meeting the definition of "manufactured dwelling".

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990; Ord. 1171 §1(B), 1993.

17.06.345 Mobile home court or mobile home park.

"Mobile home court" or "mobile home park" means four mobile home units or more for rent within five hundred feet of one another on a lot, tract, or parcel.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990.

17.06.350 Model unit real estate office.

"Model unit real estate office" means a

permanent residential structure located in a developing subdivision used for the promotion of sale of units in the subdivision, so long as the model unit real estate office is at all times available for sale, lease, lease option or exchange as a residential dwelling.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990.

17.06.355 Motel.

"Motel" means one or more buildings designed or used as temporary living quarters for transients.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990.

17.06.358 Net acre.

"Net acre" means an area measuring forty-three thousand five hundred sixty (43,560) square feet, which excludes:

(1) Road rights-of-way and other public dedications through or on the edge of the land; and

(2) Environmentally constrained areas, including open water areas, areas in the FM District, areas in the WQ District, natural resource areas protected under statewide planning Goal 5 in the Comprehensive Plan, slopes in excess of twenty-five percent (25%) and wetlands requiring a federal fill and removal permit under Section 404 of the Clean Water Act.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1289 §1 (part), 2000; Ord. 1334, 2002.

[Ed. Note: The publication(s) referred to or incorporated by reference in this ordinance are available from the office of the City Recorder.]

17.06.360 New construction.

"New construction" means a structure for which the start of construction commenced on or after the effective date of the ordinance codified in this title.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990.

17.06.365 Nonaccess reservation.

"Nonaccess reservation" means a street plug or a one foot right-of-way width owned by the city.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990.

17.06.370 Nonconforming use.

"Nonconforming use" means a lawful existing use at the time the ordinance codified in this title or any amendment thereto becomes effective,

which does not conform to the requirements of the zone in which it is located.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990; Ord. 1266 §1, 1998.

17.06.372 Nonconforming development.

"Nonconforming development" means development of a site which was lawfully existing at the time the ordinance codified in this title or any amendment thereto becomes effective, which does not conform to the requirements of this title, including but not limited to minimum parking, minimum landscaping, etc.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1266 §2, 1998.

17.06.375 Open space.

"Open space" means land that is undeveloped and that is planned to remain so indefinitely. "Open space" also refers to land zoned OS, Open Space District and developed with uses identified in GMC Chapter 17.26 (OS – opens space district).

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990; Ord. 1334, 2002.

17.06.380 Owner.

"Owner" means the person holding fee title to the land, or where there is a recorded land sale contract, the purchaser there under.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990; Ord. 1334, 2002.

17.06.385 Parcel.

"Parcel" means a unit of land that is created by a partitioning of land. For the purposes of this title, "parcel" includes "lot" and "lot of record" unless the context otherwise requires.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990; Ord. 1323 §1 (part), 2002.

17.06.390 Parking space.

"Parking space" means an area available for the parking of a standard or compact vehicle.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.395 Partition.

"Partition" means either an act of partitioning land or an area or tract of land partitioned as defined in GMC Section 17.06.400.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.400 Partition land.

"Partition land" means to divide a lot of record into two (2) or three (3) parcels within a calendar year, but does not include a division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; divisions of land made pursuant to a court order, including, but not limited to, court orders and proceedings involving testate or intestate succession; or an adjustment of a property line by the relocation of a common boundary where an additional lot of record is not created and where the existing lot of record reduced in size by the adjustment complies with the provisions of this title. Any property divided by the sale or grant of property for state highway, county road, city street or other right-of-way purposes shall continue to be considered a single lot of record until such time as the property is further subdivided or partitioned.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990; Ord. 1171 §1(M), 1993; Ord. 1323 §1 (part), 2002.

17.06.405 Pedestrian way.

"Pedestrian way" means a right-of-way for pedestrian traffic.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.410 Person.

"Person" means an individual, firm, partnership, corporation, company, syndicate, association, social or fraternal organization or any legal entity, and including any trustee, receiver, assignee, or any group or combination acting as a unit.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.415 Planning commission.

"Planning Commission" means the Planning Commission of the city.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.416 Plat.

"Plat" means a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision or partition.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1323 §1 (part), 2002.

17.06.418 Porch, front.

"Front porch" means a front entrance to a dwelling covered by a separate roof or an extension of the dwelling roof. Enclosure walls shall extend no more than half the distance from the front porch to the porch eaves. A front porch shall be used only for recreational, outdoor living purposes and not as a carport, garage, storage room or habitable room.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1289 §1 (part), 2000.

17.06.419 Primary building wall.

"Primary building wall" means an exterior building wall that contains a public entrance to the premises and faces either a street or a parking area.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1323 §1 (part), 2002.

17.06.420 Primary zoning district.

"Primary zoning district" includes the following: R-7.2, R-5, MR, C-1, C-2, C-3, OP, LI, and OS.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.425 **History:** Ord. 1131 §2(part), 1990; Repealed by Ord. 1323§1 (part), 2002.

17.06.426 Property line adjustment.

"Property line adjustment" means the relocation of a common property line between two (2) abutting lots of record.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1323 §1 (part), 2002.

17.06.430 Recreation vehicle park.

"Recreational vehicle park" means an area designated by the person establishing, operating, managing or maintaining the same for overnight camping in recreation vehicles or for a short duration by the general public or any segment of the public. Recreation vehicle park includes, but is not limited to, areas open to use free of charge or through payment of a tax or fee or by virtue of rental, lease, license, membership, association, or ownership. Overnight camping of mobile homes is not allowed within recreation vehicle parks. A recreation vehicle park shall not include a municipal, county, state or federal park or recreation area.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990; Ord. 1198 §1(A), 1994.

17.06.435 Recreation vehicle.

"Recreation vehicle" means a vacation

trailer or self-propelled vehicle or structure equipped with wheels for highway use which is intended for human occupancy and is being used for recreation or vacation purposes, but not for residential purposes, and is equipped with plumbing, sink or toilet, and has a floor space of less than two hundred twenty square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath and toilet rooms.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990

17.06.440 Residential home.

"Residential home" means the same as a foster home as defined in GMC Section 17.06.200.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.445 Residence.

"Residence" means a dwelling unit as defined in GMC Section 17.06.155.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.450 Residential planned unit development.

"Residential planned unit development" means a residential (R) planned unit development as allowed under GMC Chapter 17.38 (planned unit development).

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.455 Residential zoning district.

"Residential zoning district" means the R-7.2, R-5 and MR zones.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.460 Right-of-way.

"Right-of-way" means the area between boundary lines of a street or other easement, whether improved or unimproved.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.465 Roadway.

"Roadway" means the portion of a street right-of-way developed for vehicular traffic.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.470 Seasonal.

"Seasonal" means limited to a period of no

more than six months in any twelve-month period, but related to a unique or an annually occurring event or condition.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990.

17.06.475 Section.

"Section" means a portion of this title identified by a seven-digit number, such as GMC Section 17.10.020 (uses allowed outright) in the R-7.2 zoning district.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990.

17.06.480 School, commercial.

"Commercial school" means a place where instruction is given to pupils in arts, crafts, trades or other occupational skills and operated as a commercial enterprise as distinguished from schools endowed or supported by taxation.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990.

17.06.485 School, primary, elementary, junior high or high.

"Primary, elementary, junior high or high schools" includes public, private or parochial but not nursery school, kindergarten or day nursery, except when operated in conjunction with a school.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990.

17.06.490 **History:** Ord. 1131 §2(part), 1990; Repealed by Ord. 1323§1 (part), 2002.

17.06.491 Senior housing center.

A "senior housing center" means a residential facility providing dwelling units without full kitchens (known as residential suites) for those aged sixty-five and older and dwelling units with full kitchens. Up to fifteen percent of the total number of dwelling units may be provided as single-family units or duplex units with full kitchens. A senior housing center is a congregate care facility which provides common services including but not limited to transportation of residents, three meals per day in a common facility and other non-medical care congregate services.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1280 §1,1998.

17.06.492 Setback, front.

"Front setback" means the horizontal distance between a front lot line and a structure.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1323 §1 (part), 2002.

17.06.493 Setback, rear.

"Rear setback" means the horizontal distance between a rear lot line and a structure.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1323 §1 (part), 2002.

17.06.494 Setback, side.

"Side setback" means the horizontal distance between a side lot line and a structure.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1323 §1 (part), 2002.

17.06.495 **History:** Ord. 1131 §2(part), 1990; Repealed by Ord. 1323 §1 (part), 2002.

17.06.496 Setback, street side.

"Street side setback" means the horizontal distance between a street side lot line and a structure.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1323 §1 (part), 2002.

17.06.497 Sidewalk.

"Sidewalk" means a pedestrian walkway with permanent surfacing to city standards.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1323 §1 (part), 2002.

17.06.500 Sign.

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

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990.

17.06.501 Sign, electronic message center.

"Electronic message center sign" means a sign, display or device, or portion thereof, whose message may be changed by electronic process or remote control, and may include electronic time and/or temperature displays and the device known in the advertising industry as a commercial electronic variable message sign.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1161 §1 (part), 1992; Ord. 1323 §1 (part), 2002.

17.06.502 **History:** Ord. 1161 §1 (part), 1992; Renumbered to 17.06.504 by Ord. 1323§1 (part), 2002.

17.06.503 Sign, monument.

"Monument sign" means a sign that extends to the ground or that has a support that places the bottom of the sign less than two feet (2') from the ground.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1323 §1 (part), 2002.

17.06.504 Sign, segmented message.

"Segmented message sign" means any message or distinct subunit of a message presented by means of at least one display change on an electronic message center sign.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1161 §1 (part), 1992; Renumbered from 17.06.502 by Ord. 1323 §1 (part), 2002.

17.06.505 **History** Ord. 1131 §2(part), 1990; Renumbered to 17.06.507 by Ord. 1323 §1(part), 2002.

17.06.506 Sign, tri-vision.

"Tri-vision sign" means a sign where the display surface is composed of triangular louvers that rotate periodically to allow three (3) images to be displayed.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1323 §1 (part), 2002.

17.06.507 Story.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under floor space is more than six feet (6') above grade as defined in this section for more than fifty percent (50%) of the total perimeter or is more than twelve feet (12') above grade as defined in this section at any point, such basement, cellar or unused under floor space shall be considered a story.

Statutory Reference: ORS Ch. 197, Ch. 227
History: Ord. 1131 §2 (part), 1990; Renumbered from 17.06.505 by Ord. 1323§1 (part), 2002.

17.06.510 Story, half.

"Half-story" means a story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.515 Street.

(1) "Street" means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, and the placement of utilities and including the terms road, highway, lane, avenue, place, court, way, circle, drive, alley or similar designation.

(2) "Alley" means a narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

(3) "Arterial" means a street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.

(4) "Collector" means a street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas; used to some extent for access to abutting properties and may be used to a limited extent for through traffic.

(5) "Cul-de-sac" (dead-end street) means a short street having one end open to traffic and terminated by a vehicle turnaround.

(6) "Marginal access street" means a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

(7) "Minor street" means a street intended primarily for access to abutting properties.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.520 Structure.

"Structure" means something constructed or built and having a fixed base on or fixed connection to the ground or another structure to include a mobile home.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.525 Subdivide land.

"Subdivide land" means to divide a lot of record into four (4) or more lots within a calendar year.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990; Ord. 1323 §1 (part), 2002.

17.06.530 Subdivision.

"Subdivision" means either an act of subdividing land or an area or a tract of land subdivided as defined in GMC Section 17.06.525.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.535 Temporary structure real estate offices
"Temporary structure real estate offices" means a temporary structure located in a subdivision used for the promotion of a sale of residential units in a developing subdivision.

Statutory Reference: ORS Ch. 197, Ch. 27

History: Ord. 1131 §2 (part), 1990.

17.06.540 Title.

"Title" means that portion of the Gladstone Municipal Code identified by a two-digit number, such as Title 17, zoning and development.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.542 Transit street.

"Transit street" means a street on which public transit stops are located.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1289 §1 (part), 2000.

17.06.545 Use.

"Use" means the purpose for which land or a structure is designed, arranged or intended or for which it is occupied or maintained.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.548 Utility facility

"Utility facility. Buildings, structures or any constructed portion of a system that provides for the production, transmission, conveyance, delivery or furnishing of services including, but not limited to, heat, light, water, power, natural gas, sanitary sewer, stormwater, telephone and cable television. Utility facilities do not include stormwater pretreatment facilities."

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990, Ord. 1431, 2011.

17.06.550 Utility substation.

"Utility substation" means a facility that provides for the location of utility service apparatus that includes, but is not limited to: telephone exchanges; public utility structures, without

shops, garages or general administrative offices; transmission and receiving towers, and/or earth stations.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990

17.06.555 Vegetation.

"Vegetation" means plantings or natural growth of trees, grass, shrubs, etc. which would permit normal percolation.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.560 Vehicle.

"Vehicle" means a device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Statutory Reference: ORS Ch. 197, Ch. 227

History: Ord. 1131 §2 (part), 1990.

17.06.565 **History:** Ord. 1131 §2(part), 1990; Repealed by Ord. 1323 §1 (part), 2002.

17.06.570 **History:** Ord. 1131 §2(part), 1990; Repealed by Ord. 1323 §1 (part), 2002.

17.06.575 **History:** Ord. 1131 §2(part), 1990; Repealed by Ord. 1323 §1 (part), 2002.

17.06.580 **History:** Ord. 1131 §2(part), 1990; Repealed by Ord. 1323 §1 (part), 2002.

17.06.585 **History:** Ord. 1131 §2(part), 1990; Repealed by Ord. 1323§1 (part), 2002