

ORDINANCE NO. 712

AN ORDINANCE REQUIRING BUILDING SETBACK REVIEW APPLICATIONS; AND  
PRESCRIBING PENALTIES FOR FAILURES TO FILE OR PAY FEES.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: BUILDING SETBACK REVIEW APPLICATIONS REQUIRED.

Building setbacks as defined in and required by the City's Land Development and Planning Ordinance No. 690, enacted May 6, 1981, shall be examined by the City's Building Official for all new buildings and construction planned or commenced in the City after March 1, 1982. Building setbacks shall be reviewed as a matter of course for all construction for which building permits are required according to the City's Building Code and no separate setback review application is required. However, in all other cases a BUILDING SETBACK REVIEW APPLICATION is required to be filed by the property owner(s) before any building or construction is commenced and a \$10 application fee shall be paid to the Canby City Recorder with each such application. The application form shall be prepared and furnished by the City and reviewed by the Building Official for compliance with the setback requirements of the ordinance.

Section 2: PENALTIES.

Failure to file a building setback review application or pay the \$10 filing fee is punishable upon conviction in the Canby Municipal Court as a Class C misdemeanor. Also, the City may bring a civil suit or action to enjoin or abate any construction for which a building setback review application was required but not filed. In case of such suit or action the City shall be entitled to collect from the defendant(s), in addition to any other award by the court, reasonable attorney fees to be fixed by the trial court, and if any appeal is taken from any decision of the trial court such further sum as may be fixed by the appellate court as the City's reasonable attorneys fees in the appellate court.

Section 3: EFFECTIVE DATE.

This ordinance shall take effect at 12:01 A.M. Pacific Standard Time on

Monday, March 1, 1982.

Submitted to the council and read the first time at a regular meeting of the council held on January 20, 1982; ordered posted for a period of two full calendar weeks as provided by the City Charter and scheduled for second reading at a meeting of the council on February 3, 1982, commencing at the hour of 7:30 o'clock P.M. at the council's regular meeting place in the Council Chambers at the Canby City Hall.

Harold A. Wyman, City Recorder

ENACTED by the Canby City Council at a regular meeting thereof on the 3rd day of February, 1982, by the following vote: YEAS \_\_\_\_\_ NAYS \_\_\_\_\_

Robert A. Swayze, Mayor

ATTEST:

Harold A. Wyman, City Recorder

*Rejected - 6 yea - 3 Nay  
as an unappropriate Ord.*