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ORDINANCE NO. 993

AN ORDINANCE to regulate the installation, maintenance and use of masts or towers for television and radio antennae and similar devices; to tax, license and regulate persons installing such masts or towers and devices; to provide penalties for violations hereof, and declaring an emergency.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF HOOD RIVER, OREGON:

Section 1. That it shall be unlawful for any person, firm or corporation to engage in the business of erecting or installing masts or towers for antennae or similar devices for receiving or transmitting radio frequency signals, or to erect or install such masts, towers or devices without first obtaining a license from the City of Hood River; or to erect any exterior television or radio masts or towers or other like apparatus without first obtaining a permit therefore from the Building Inspector, except that masts, towers or devices 20 feet or under in height, and installations by licensed amateur radio operators for their own use, shall be excluded from the provisions of this section pertaining to the securing of a permit; or to erect, install, maintain or use any exterior television or radio mast or tower or other like device in violation of this ordinance; provided, however, that nothing in this ordinance contained shall apply to the installation of radio masts or towers or like apparatus in or upon vehicles.

Section 2. Any person, firm or corporation desiring to engage in the business of erecting or installing towers or masts for television or radio antennae or other exterior equipment or devices to be used for the reception or transmission of radio frequency signals, shall make application for a license to the City Recorder, which application shall set forth the name and business address of the applicant, and if the application be that of a firm or partnership, the names of the partners, and in case of a corporation, the names of the president and secretary thereof and the name of the person who will have charge of any antennae, mast or tower installation work within the City of Hood River.

Section 3. The initial license fee for engaging in the business mentioned in Section 2 hereof shall be \$10.00 per annum, and shall be issued on a fiscal year basis, but if a new license shall be obtained after January 1, only one-half the annual fee shall be required. The license that has not been permitted to lapse may be renewed for \$5.00 per annum.

Section 4. Before issuing any license the City Recorder shall require of the applicant a bond in the penal sum of \$1,000.00 issued by a surety company authorized to do business within the state of Oregon, such bond to be approved by the City Attorney and to be filed in the office of the City Recorder, and to be conditioned that in the installation or erection of antennae, masts or towers or other exterior television or radio equipment or other like apparatus in the City of Hood River, Oregon, the principal in such bond will make such installation in accordance with the rules and provisions contained in this ordinance and any other ordinance of the City of Hood River, and conditioned further that the principal will pay all labor and material claims for any such work and all damages sustained by any person, firm or corporation arising from failure of the principal to make such installations in the manner aforesaid. In case any bond be not renewed upon expiration, or in case a new bond is not furnished by the applicant in the event a former bond be cancelled, the license issued the applicant hereunder shall be null and void.

Section 5. Any person, firm or corporation making application therefor and affidavit to the City Recorder that such person, firm or corporation has been damaged by failure of the principal in any such bond to comply with the requirements of this act, or the provisions of the bond given, shall be by the City Recorder furnished with a certified copy of the bond of the person, firm or corporation named in such affidavit, and shall have the right to bring action in the name of City of Hood River, for his or their use and benefit against such principal and surety to recover for any labor or materials furnished the principal named in such bond and unpaid, and for his or their damages arising out of the failure of the principal named to comply with the requirements of this act, and to prosecute the same to final judgment and execution; provided, that the surety's total liability on such bond shall not exceed the sum of \$1,000.00 and the right to commence an action against such surety shall not exist for a longer period than 90 days from the completion of any contract.

Section 6. No license shall be issued to any person, firm or corporation not having a regularly established place of business or establishment to erect or install antennae masts or towers for television or radio or other exterior equipment or devices to be used for the reception or transmission of radio frequency signals in a workmanlike manner, and if the place of business be within the corporate limits of the City of Hood River, a sign not less than three square feet in area shall be displayed thereon, provided said sign shall be permitted under other ordinances of the City; such sign to contain the name of the licensee, and may contain such other matter as may be appropriate.

Section 7. No person, firm or corporation, except licensed amateur radio operators erecting devices for their own use, shall erect or install any exterior television or radio antennae mast or tower or similar device over 20 feet in height without first obtaining a permit from the Building Inspector. An application for such permit shall be on forms provided by the Building Inspector, and shall contain the address of the place where installation is to be made and such other pertinent information and data as the Building Inspector may require as hereinafter set forth. Said application shall be made by the owner or lessee of the building or property whereupon the antennae or other similar device is to be erected or installed, or by the person, firm or corporation that will make such installation. If the owner or lessee of the premises makes the application, he shall furnish the name of the person, firm or corporation that will make the installation. No permit will be issued unless the applicant or the person, firm or corporation that will make the installation is licensed under this ordinance, except that a special permit may be issued to an individual authorizing him to make any such installation on or about a building of which he is the owner or tenant, provided he has owner's written consent; provided further that in such case the work authorized by the permit must be done personally by such owner, owners or lessees, and not by any person employed for such purpose. In case the application be for the erection of an antennae or a mast or tower in excess of 50 feet in height, two complete sets of detailed plans and specifications shall be filed with the application.

Section 8. FEES FOR PERMITS. An inspection fee of \$2.00 shall be paid for each permit issued under Section 7 hereof. A reinspection fee of \$1.00 shall be paid for each trip when extra inspections are necessary due to any one of the following:

- (1) Wrong Address.
- (2) Condemned work resulting from faulty construction.
- (3) Repairs or corrections not made when inspection is called.
- (4) Work not ready for inspection when called.

Application data. Application for permits shall be made upon blanks provided by the Building Inspector, and shall contain, or have attached thereto the following information:

- (1) Name, address and telephone number of the owner for whom to be made.
- (2) Whether it is a new installation, repair or maintenance work.
- (3) Whether a radio or television receiving or transmitting antennae.
- (4) A simple sketch of the installation.
- (5) Name of the person making the installation.

Section 9. METHOD OF INSTALLATION. (1) No antennae, mast or tower shall be attached to or supported by a parapet wall, chimney or vent pipe.

- (2) a. No antennae, mast or tower shall be installed in such close proximity to any electric, telephone, telegraph or other public utility line or wire that the antennae, mast or tower, if overturned or blown down, would or could come in contact or within two feet of any such wire or line, provided that this provision shall not apply to a service lead or drop. In no case shall a mast or antennae be installed nearer to a street or sidewalk than the height of the antennae plus ten (10) feet unless approved by the Building Inspector and no wires, cables, or guy wires shall cross or extend over any part of any street or alley unless permission be first obtained from the common council.
- b. Where the strict application of the provisions of subdivision "a" of this subsection shall make it difficult or virtually impossible to install or erect a mast or tower for radio or television antennae, or antennae, because of the peculiar or particular location of any buildings or premises and the utility wires in close proximity thereto, a special permit may be issued for the installation of any such antennae, mast or tower provided the application therefor be first approved by the Building Inspector, and the application shall set forth the undue hardship created by the strict application of said paragraph of said subdivision, and the Building Inspector shall approve any such application if he first finds that the proposed installation will not be unduly hazardous and will not constitute a menace to persons or property, and the Building Inspector may prescribe such safeguards as he may deem necessary for the protection of persons and property.

(3) The masts or any antennae shall be guyed every 10 feet, except where masts 3 inch in diameter or larger are used the guy spacing may be increased providing the provisions of subsection ~~6~~<sup>6</sup> of this section are complied with, and shall be grounded with not less than #8 copper or #8 aluminum wire; and the ground shall be attached to a cold water pipe with an approved ground clamp, or an approved ground rod not less than 1/2 inch in diameter and 4 feet in length may be used.

(4) Screw eyes or snubbed screw hooks shall be not less than 1/4 inch in diameter and the same shall be set not less than 2 inch in a solid structural member and not more than one guy or guyline shall be attached to any screw eye or hook.

(5) Guy wires shall be not less than 6-20 stranded galvanized steel cables.

(6) Not less than three guy anchors shall be used to guy any mast, and in case three only are used, they shall be spaced at 120 degrees apart. All guy wires shall be securely fastened.

(7) Every mast, tower, or device installed on a roof shall be mounted on its own platform or plate covering one or more rafters of the roof and shall be securely anchored with guy wires and installations shall be structurally sound, shall be of weather-proofed metal construction, and shall be made to meet all State and local safety code requirements, providing radio and transmission masts or antennae need not be of all metal construction.

Section 10. PROHIBITING CERTAIN INSTALLATIONS IN AUTOMOBILES. It shall be unlawful for any person to install a television set forward of or which is visible from the front seats of any motor operated vehicle, otherwise the provisions of this ordinance shall not apply to automobiles.

Section 11. MINOR REPAIRS WITHOUT PERMIT. Notwithstanding anything herein to the contrary, minor repairs to antennae may be made without permit.

Section 12. Every mast, tower for antennae or similar devices erected prior to the effective date of this ordinance may be maintained and operated in its present location, unless said antennae is so constructed and maintained as to be unsafe and dangerous as determined by the Building Inspector. The Building Inspector is hereby authorized to require the removal or reconstruction of any mast, tower for antennae or similar device which he deems unsafe or dangerous.

Section 13. DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this ordinance:

(1) "Building Inspector" shall mean the Building Inspector of the City of Hood River or any of his authorized assistants.

(2) "Antennae" as used in this ordinance shall mean the outdoor portion of the receiving equipment used for receiving television or radio waves from space,

(3) "Mast" shall mean that portion of the outside antennae system to which the antennae is attached, and the support or extension required to elevate the antennae to a height deemed necessary for adequate operation.

(4) "Height" shall mean the overall vertical length of the antennae system above the ground, or, if such system be located on a building, then, above that part of the level of such building upon which the system rests.

(5) "Person" shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.

Section 14. BUILDING INSPECTOR -- Duties, Rights and Powers. It shall be the duty of the Building Inspector and his authorized assistants to inspect all television and radio receiving antennae, as hereinbefore described, to ascertain if the work has been done in a neat and workmanlike manner and to investigate all complaints from the general public pertaining to said antennae installations and interference caused thereby. The Building Inspector and his assistants are hereby empowered to inspect or reinspect any wiring, equipment or apparatus for radio and television receiving service in the City, and if the conductors, equipment or apparatus are found to be unsafe to life or property, or are not in conformity with the provisions of this ordinance, the Building Inspector shall notify the person owning or operating the hazardous wiring or equipment to correct the condition within a specified time. Failure to correct violations within a specified time shall constitute a violation of this ordinance.

Section 15. UNLAWFUL TO INTERFERE WITH BUILDING INSPECTOR. It shall be unlawful for any person to hinder or interfere with the Building Inspector or his authorized representatives in the discharge of their duties under the provisions of this ordinance.

Section 16. NOTICE FOR INSPECTION. The person to whom a permit has been granted for the installation of a television or radio receiving antennae shall immediately notify the Building Inspector when the work covered by the permit has been completed and is ready for final inspection. Upon such notice, the Building Inspector or his authorized representatives shall promptly inspect and approve the installation if the work complies in all respects with the provisions of this ordinance and the permit, and shall disapprove said installation if it fails to comply, stating in writing the reasons for disapproval and specify a time within which said defects must be corrected. A reinspection shall be made after notice to the Building Inspector that the defects have been corrected.

Section 17. Any person, firm or corporation violating any provision of this ordinance shall, upon conviction in the municipal court, be fined in a sum not exceeding two hundred dollars (\$200.00), or be imprisoned in the city jail not to exceed thirty days or be punished by both such fine and imprisonment.

Section 18. Inasmuch as the provisions of this ordinance are necessary for the immediate preservation of the peace, health and safety of the citizens of the City of Hood River, Oregon, an emergency hereby is declared to exist and this ordinance shall be in full force and effect immediately upon its passage by the Common Council.

Passed by the Common Council

Approved by the Mayor this

this 23<sup>rd</sup> day of Nov, 1953.

23<sup>rd</sup> day of Nov, 1953.

W. S. J. J. J.  
City Recorder

F. B. S. S. S.  
Mayor