

1948 ORDINANCE BILL NO. 9. Ordinance No 659

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDING: THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED: THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACES: THE LOCATION AND USES OF BUILDINGS FOR TRADE, INDUSTRY, RESIDENCES OR OTHER PURPOSES: CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF: PROVIDING FOR CHANGES IN THE REGULATION, RESTRICTIONS AND BOUNDARIES OF EACH DISTRICT: DEFINING CERTAIN TERMS USED HEREIN: PROVIDING PENALTIES FOR THE VIOLATION HEREOF: REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH: AND DECLARING AN EMERGENCY.

WHEREAS the Legislature has passed an enabling act codified in title 95, chapter 24, Oregon compiled laws annotated enabling cities to adopt and pass zoning ordinances in said cities; and

WHEREAS the common council of the City of Lebanon has made a study of a zoning ordinance appropriate to the city of Lebanon and has held public hearings thereon as required by law and has filed its final report with the city recorder of the city of Lebanon, and has given notice of a public meeting and hearing on said report as required by law and at said time and place has met with and considered and discussed said report with the general public and interested persons and is now ready to act upon said report and said zoning ordinance; and

WHEREAS it is necessary for the purpose of promoting the health, safety, morals, and general welfare of the people of the city of Lebanon by lessening congestion in the streets, securing safety from fire, and other dangers, providing adequate light and air, preventing the over-crowding of land and avoiding undue congestion of population, to adopt a zoning ordinance regulating and restricting the height, number of stories, size of buildings, percentage of a lot that may be occupied, the size of open spaces, the location and use of buildings and land for trade, industries, residences and other purposes and creating districts for said purposes and establishing the boundaries thereof;

NOW, THEREFORE,

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

Section 1. DEFINITIONS. The following words and phrases shall for the purpose of this ordinance have the meanings respectively ascribed to them in this section, excepting in those instances where the context clearly indicates a different meaning.

Words used in the present tense include the future, the singular number includes the plural; and the plural the singular, the word lot includes the word plot and the word building includes the word structure.

SINGLE FAMILY DWELLING. A single family dwelling is a building used or arranged for use as the home or abode of but one family and in which not more than three boarders or lodgers are accommodated.

TWO FAMILY DWELLING. A two family dwelling is a building used or arranged for use as the home or abode of but two families, living independently of each other, and in which not more than three boarders or lodgers shall be accommodated by each family.

PRIVATE GARAGE. A private garage is a garage for not more than three automobiles, for storage only, and intended for private use, but in which space may be rented for storage only of not more than two non-commercial automobiles, by other than the occupants of the buildings to which such garage is accessory.

NON-CONFORMING BUILDING OR USE. A non-conforming building or uses is one that does not conform with the regulations of a given use district

LOT. A lot is a parcel of land in one unit, in a single or a joint ownership, occupied by not more than one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this ordinance.

CORNER LOT. A corner lot is a lot or portion of a lot not more than 75 feet wide at the junction of and fronting on two intersecting streets, except that in new additions where lots are platted wider than 75 feet, the corner lots shall be the width of the platted lot. Any portion of lot more than 75 feet distant from that street with the greater frontage shall comply with the provision of this ordinance applicable to interior lots.

INTERIOR LOTS. An interior lot is a lot other than a corner lot.

DEPTH OF LOT. The depth of a lot is the average distance from the

street line of the lot to its rear lines measured in the general direction of the side lines of the lot.

STREET LINE. The street line is the dividing line between the street and the lot.

REAR YARD. A rear yard is an open, unoccupied space on the same lot with a building between the rear line of the building and rear line of the lot.

SIDE YARD. A side yard is an open unoccupied space on the same lot with a building, situated between the building and the side line of the lot and extending through from the street to the rear yard, or where no rear yard is required, to the rear line of the lot.

HALF STORY. A half story is a story which is situated in a sloping roof, the usable floor area of which does not exceed two-thirds of the floor area of the story immediately below it.

BUILDING AREA. The building area is the maximum horizontal projected area of a building and its accessories, including eaves and other projections not resting on the ground.

PARKING. A parking is the space on a street between the established sidewalk lines and the established curb lines.

SET BACK. A space, between the street line and any portion of a building, which area shall be unoccupied by structures except that eaves, cornices, steps, platforms, and porches having no roof covering and not being over 42 inches in height may project within this space. Fences and hedges not over 42 inches high are permitted within this area.

VALUE OF A BUILDING. For the purpose of this ordinance the value of a building shall mean the depreciated value of such building at the rate of $2\frac{1}{2}$ per cent per year based upon the original cost thereof.

Section 2. EXISTING BUILDINGS AND NON-CONFORMING USES. When a property or an existing building at the time of the passage of this ordinance has a use which was legal prior to the passage of this ordinance, such use may continue, even though same does not conform with the zoning regulations. If the use of the building or premises is changed, it shall be changed to a use conforming to the zoning regulations and after such change, it will not be permissible to change back again

to the original non-conforming use. A non-conforming use shall not be extended, but the extension of a use to any portion of a building which was arranged or designed for such non-conforming use at the time of the passage of this ordinance, shall not be deemed the extension of a non-conforming use. If a non-conforming use be discontinued for the period of one year, the same cannot be again continued.

A building ~~arranged~~, designed or devoted to a non-conforming use at the time of the passage of this ordinance may not be reconstructed or structurally altered at an extent exceeding in aggregate cost during the lifetime of the building 50% of the value of the building, unless the use of such building be changed to a conforming use. A non-conforming advertising sign, if removed from the premises may not be replaced. No exterior sign aggregating more than six square feet in area shall hereafter be erected to advertise a non-conforming use.

A non-conforming use, if changed to a more restricted non-conforming use, shall ^{not} thereafter be changed to a less restricted use.

When a building having a non-conforming use, with the exception of grocery stores, is damaged by fire or other cause so that the total deterioration exceeds 60% of the cost of replacing the building using new materials, then such building shall not be rebuilt, unless such building in its construction and uses conforms fully to the requirements of this ordinance and other ordinances of the city as applied to new buildings and uses in the district in which it is to be located. When a building having a non-conforming use is damaged by fire or other cause to an extent which will permit rebuilding, such construction must commence within six months of date of damage and be completed within one year of such date if the use is to continue as a non-conforming use.

BUILDINGS MOVED. No building or structure shall be moved from one lot to another unless such building or structure shall there-upon be made to conform to all the provisions of this ordinance relative to buildings or structures hereafter erected upon the lot or premises to which such building or structure shall have been moved.

Section 3. For the purpose hereinafter set forth and for regulating, classifying and restricting the location of buildings, trades, and industries, and the location of buildings ~~designed~~, erected or

altered for specified uses, and for the purpose of regulating and controlling the uses of property in the City of Lebanon, Oregon, and city of Lebanon is hereby divided into designated districts as follows, to-wit:

ZONE 1, RESIDENTIAL DISTRICT NO. 1.

Zone 1, Residential District No. 1 shall include all of that portion of the City of Lebanon which is not included in Zone 2, Residential District No. 2, Zone 3, Business District, and Zone 4, Industrial District as said zones are hereinafter described.

ZONE 2, RESIDENTIAL DISTRICT NO. 2.

Beginning at a point where the North city limit line intersects the West line of North 4th Street if extended, thence South along the West line of 4th Street if extended, to the North line of the Southern Pacific right of way, thence Easterly and Southerly along the Southern Pacific right of way to the South line of Rose Street, thence East along the South line of Rose Street to the Northwest corner of Lot 1, Block 18 Ralston's Second Addition, thence North to the Northwest Corner of Lot 1, Block 17 Ralston's Second Addition, thence East to the Northeast corner of Lot 3, Block 3 Kirkpatrick's Addition, thence South to the Southeast corner of Lot 6, Block 21 J. M. Ralston's Addition, thence South to the center of the Santiam Canal, thence Southwesterly along the center of said Canal to a point in line with the North line of Oak Street if extended, thence East along the North line of Oak Street, if extended to the South West corner of Lot 10, Block 2 R. Hiatt's Addition, thence North along the East line of Williams Street to the Northwest corner of Block 2, G. W. Wheeler Addition, thence North to the South line of the Santiam Canal, thence Northwesterly along the South line of said Canal to the South line of Olive Street, if extended, thence West along the South line of Olive Street if extended, to a point 105 feet East of the center of U. S. Highway No. 20, thence south to the North line of Wheeler Street, thence West along the North line of Wheeler Street and the North line of Main Street (by Main Street meaning the extension of the north line of Morton Street to the East Line of North Main Street), thence North along the East line of North Main Street to the West line of U. S. Highway No. 20, thence Northwesterly along the West line of U. S. Highway No. 20 to the North city limit line, thence West long the North city limit line to the point of beginning. ALSO beginning at a point where the East line of 5th Street intersects the North line of Tangent Street, thence West along the North line of Tangent Street to the East line of 6th Street, thence South along the East line of 6th Street to the South West corner of Lot 14, Block 5 Smith's First Addition, thence East along the North line of Ash Street to a point directly North of the Northwest corner of Lot 6, Block 32 Cotton's Addition, thence South to the South West corner of J. M. Ralston's Fourth Addition, thence East along the North line of Oak Street to a point due North of the North West Corner of Lot 5, Block 8 Hyland Addition, thence South along the East line of 6th Street to the South West corner of Lot 6, Block 10 Hyland Addition, thence East along the North line of C Street to the center of the Lebanon Santiam Canal, thence South along the center of said Canal to the city limit line, thence Easterly along the South City limit line to a point 189 feet west of the center line

of Main, thence North to the South line of B Street if extended, thence West along the South line of B Street if extended, to the East line of 4th Street, thence north along the East line of 4th Street to the North line of Sherman Street, thence west along the North line of Sherman Street to the East line of 5th Street, thence North along the East line of 5th Street to the point of beginning. ALSO beginning at a point on the North line of Elmore Street which is 769.99 feet South and 390 feet East from the Southeast corner of Block 1 City of Lebanon, thence North parallel with Main Street 222.49 feet, thence South 89 degrees 49' East 47.14 feet, thence North parallel with Main Street to the South line of the Southern Pacific Railroad right of way, thence South along the South line of the Southern Pacific right of way to the West line of the Oregon Electric railway right of way, thence southeasterly and South along the West line of the Oregon Electric Railroad right of way to the North line of Elmore Street, thence East along the North line of Elmore Street to a point 242.9 feet West of the West line of Franklin Street, thence parallel with the West line of Franklin Street to the South city limit line, thence westerly along the South city limit line to a point 189 feet East of the center line of Main, thence North parallel with Main Street to the North line of Elmore Street, thence East along the North line of Elmore Street to the point of beginning.

ZONE 3, BUSINESS DISTRICT.

Beginning at the North East corner of Lot 3, Block 3 Kirkpatrick's Addition to the City of Lebanon, thence West to the North West corner of Lot 1, Block 17, ^{Ralston's addition} thence South along East line of the alleys to South line of Southern Pacific Railway right of way, thence Southeasterly along South line of Southern Pacific Railway right of way to a point 189 feet West of the center line of Main Street, thence South parallel with the center line of Main Street to the South city limit line, thence Easterly along the South city limit line to a point 189 feet East of the center line of Main Street, thence North parallel with center line of Main Street to the North line of Elmore Street, thence East along the North line of Elmore Street to a point 769.99 feet South and 390 feet East of the South East corner of Block 1 City of Lebanon, thence North parallel with Main Street 222.49 feet, thence South 89 degrees 49' East 47.14 feet, thence North parallel with Main Street to the South line of the Southern Pacific Railway right of way, thence East along the South line of Southern Pacific Railway right of way to East line of Park Street if extended, thence North to the center of Lebanon Santiam Canal, thence Northeasterly along the center of said Canal to a point directly South of the South East corner of Lot 6, Block 21 J. M. Ralston's Addition to the City of Lebanon, thence North to the South East corner of Lot 6, Block 21 J. M. Ralston's Addition to the City of Lebanon, thence North along the West line of the alleys running North and South through Blocks' 21, 22, and 23 J. M. Ralston's Addition and Block 27 William Ralston's Second Addition and Blocks 3, 2, and 1 Cowan's Addition and Block 3 Kirkpatrick's Addition to point of beginning. ALSO beginning at the North line of Wheeler Street at a point 105 feet East of the center line of U. S. Highway No. 20, thence North parallel with the center line of U. S. Highway No. 20 to the South line of Olive Street if extended, thence West along the South line of

Olive Street if extended, to the West line of U. S. Highway No. 20, thence Northwesterly along the West line of U. S. Highway No. 20 to East line of North Main Street, thence South along the East line of North Main Street to the North line of Main Street being the North line of Morton Street if extended, thence East along the North line of said Main Street and along the North line of Wheeler Street to the point of beginning.

ZONE 4, INDUSTRIAL DISTRICT.

Beginning at a point where the North city limit line intersects the West line of North 4th Street, if extended, thence South along the West line of 4th Street, if extended, to the North line of the Southern Pacific right of way, thence Easterly and South along the North line of the Southern Pacific right of way to the South line of Rose Street, thence East to the Northwest corner of Lot One (1) Block 18 Ralston's Second Addition, thence South along the East line of the alleys to the South line of the Southern Pacific right of way, thence Southeasterly along the South line of the Southern Pacific right of way to a point 189 feet West of the center of Main Street, thence South to the South line of B Street, if extended, thence West along the South line of B. Street to the East line of 4th Street, thence North along the East line of 4th Street to the North line of Sherman Street, thence West along the North line of Sherman Street to the East line of 5th Street, thence North along the East line of 5th Street to the North line of Tangent Street, thence West along the North line of Tangent Street to the West city limit line, thence North along the West city limit line to the Northwest city limit corner of the City of Lebanon, thence East along the North city limit line to the point of beginning. ALSO beginning at the Northwest corner of Lot 1 Riverside Addition to the City of Lebanon, thence West along the South line of Oak Street to the East line of Williams Street, thence North to the Southwest corner of Lot 10, Block 2 R. Hiatt's Addition, thence West along the North line of Oak Street to the center of the Lebanon Santiam Canal, thence Southwesterly along the center of the Lebanon Santiam Canal to the East line of Park Street, if extended, thence South along the East line of Park Street if extended, to the South line of the Southern Pacific right of way, thence East along the South line of the Southern Pacific right of way to the West line of the Oregon Electric Railway right of way as described by Ordinance NO. 389 passed by the City Council of Lebanon on the 2nd day of July, 1929 thence Southeasterly and South along the West line of the Oregon Railway right of way to the North line of Elmore Street, thence East along the North line of Elmore Street to the East City limit line, thence North along the East city limit line to a point directly East of the Northeast corner of Lot 1, Riverside Addition to the City of Lebanon, thence West to the point of beginning. ALSO beginning at a point where the North city limit line intersects the East line of U. S. Highway No. 20, thence Southeasterly along the East line of U. S. Highway No. 20 to the South line of Olive Street, if extended, thence East along the South line of Olive Street, if extended, to the South line of the Lebanon Santiam Canal, thence Easterly along the South line of said canal to the East city limit line, thence North and Northwesterly along the East city limit line to the Northeast city limit corner of the City of Lebanon, thence West along the North city limit line to the point of beginning.

Section 4. ZONE 1, RESIDENTIAL DISTRICT NO. 1. In Zone 1, Residential District No. 1, there may be erected, altered and maintained only single family and two family dwellings, with or without such accessory buildings as are appropriate to such a dwelling, including private garages, pergolas, in connection with such single or two family dwellings. The raising of vegetables and produces for private use or otherwise shall be allowed within said district.

Live stock, fowls, or other animals other than animals ordinarily kept for pets shall not be allowed or kept in said district, except however, where property or existing buildings in said district at the time of the passage of this ordinance, is being used for keeping animals or live stock, pursuant to the live stock ordinance of Lebanon, such use may continue, However, if, such non-conforming use be at any time discontinued, the same cannot be again resumed.

The occupants of such dwellings may be engaged therein in such professions and occupations as are ordinarily carried on in a private home, including the home office of a physician, surgeon, dentist, insurance agent, realtor, beauty parlor, notary public, and studio of an artist, teacher, or musician, and other ordinary uses of the private home. Other buildings and uses permitted in said district are: public, private and parochial grade or high schools, churches, libraries, non-commercial museums, public parks, and public utility substations and green houses and hot houses for private use or for a commercial use where the products of such green houses or hot houses are sold to the public, all of which must conform to set back regulations herein established and must maintain the character of residential surroundings, The City of Lebanon shall be permitted to construct within this district such buildings as they may desire provided the same are constructed and used for civic purposes. Provided, however, that a building which has been constructed and used for a dwelling house or for a two family or multiple family dwelling or for an apartment house shall not be converted into a mortuary or funeral home and the use of any

said dwelling houses for a mortuary or funeral home shall not be permitted in this zone.

The height of buildings in said district shall be limited to two and one-half stories. No more than 40% of the area of an interior lot in said district shall be covered by building or buildings, nor more than 40% of a corner lot. No building erected within said district shall be located within 15 feet of any adjacent street line. No building erected within said district shall be within five feet of the rear line of the property on which the same is located. Every building erected within said district shall be so located as to have one side yard of at least five feet and on the other side a yard of at least eight feet, measuring from the sides of such building to the property lines adjacent thereto; provided however, that the restrictions of this sub-division shall not apply to structures erected on the rear half of the lot and not exceeding one story in height 400 square feet in area and detached from other buildings, five feet or more. Private garages, the entrance or entrances to which face and open towards either the front or the rear of the lot may be built to within 3 feet from the sideline of the lot or property, provided however, that such private garage is not used for dwelling purposes, provided further that if there is an existing alley in the rear of said property, a private garage may be placed within said prohibited area.

Section 5. ZONE 2, RESIDENTIAL DISTRICT NO. 2. In Zone 2, Residential District No. 2, there shall be permitted the erections, alterations and maintenances provided in Zone 1, Residential District No. 1, and in addition thereto, only the following: the erection, alteration and maintenances of multiple dwellings, apartment houses, motels, lodging or rooming houses, hospitals, and other than for the contagious or insane, schools, colleges, and other institutions of learning other than for correctional purposes. Buildings within said district shall not exceed sixty feet in height and shall not occupy more than 70% of the area of an interior lot or 80% of the area of a corner lot. No building erected within said district shall be within 15 feet of any adjacent street line. No building in said district shall be located within five feet of the rear line upon which the same is

Located. Every such building shall be so located as to have one side yard of at least 5 feet on one side and on the other side a yard of at least 3 feet measuring from the side of such building to the property lines adjacent thereto. For buildings two stories or more in height, such side yards shall be increased one foot each in width for each additional story.

Private garages, the entrance or entrances to which face and open towards either the front or the rear of the lot may be built to within 3 feet of the side line of the lot or property, provided, however that the area over such a private garage is not used for dwelling purposes, provided further that if there is an existing alley in use in the rear of said property, a private garage may be placed within said prohibited area.

Section 6. ZONE 3, BUSINESS DISTRICT. in Zone 3, Business District, there may be erected, altered and maintained all the uses permitted in Zone 1, Residential District No. 1 and Zone 2, Residential District No. 2 and in addition thereto only the following: financial institutions, offices, retail stores, community houses, restaurants, filling stations, wholesale offices and sample rooms, public buildings armories, garages, theatres, amusement houses, shops for custom manufacturing wherein goods are retailed on the premises to the ultimate consumer, newspapers and printing establishments, convention halls, public or private institutions and athletic or amusement parks. Outdoor advertising including bill boards on vacant lots shall also be permitted within said district, subject to the regulation of the council. The use of building or structure or the use of any parcel or ground outside a building for the purpose of dismantling disassembling or reducing to its component parts any vehicle, including motor vehicles and trailers, or any machinery, for the purpose of retailing the parts or portions derived from such vehicles or machinery shall not be permitted within the corporate limits of the city of Lebanon in any zone established by this ordinance with the exception of the industrial zone, and such use in the industrial zone shall be at all times subject to such rules and regulations at the City Council may from time to time make regarding such use in conformity with the

purposes of this ordinance. Such rules and regulations may be submitted to the council by motion and if passed by the council shall become effective and binding and no ordinance shall be required in connection therewith.

Section 7. ZONE 4, INDUSTRIAL DISTRICT, In Zone 4, Industrial District, there shall be permitted all the uses permitted under Zone 1, Residential District No. 1, Zone 2, Residential District No. 2, and Zone 3, Business District, and in addition thereto all types of wholesaling and manufacturing except those excluded by ordinance or constituting a nuisance.

Section 8. Within Zone 3, Business District, and Zone 4, Industrial District, no building or premises shall be used for, nor shall any building be erected which is arranged, maintained, or designed for, any kind of trade, industry, or use which is noxious or offensive by reason of the emission of odor, dust, gas, noise, or smoke, or by reason of any cause whatsoever.

Section 9. Whenever in this ordinance there is a restriction with respect to the erection maintenance and use of buildings, the same restriction shall apply to a similar use carried on outside the buildings, or on any lots, parcels of ground or areas within such restricted area.

Section 10. Signs on residences indicating professional or business occupancies permitted in Zone 1, Residential District No. 1 and Zone 2, Residential District, No. 2, shall be attached flat against the building and shall not exceed six inches by eighteen inches in size. Signs on churches, schools and other public buildings permitted in said district shall be attached flat against the building and shall not exceed six ~~square~~ square/^{feet} in size. No person shall erect or maintain any sign in either of said districts which does not conform to the foregoing limitations.

Section 11. In cases where construction is proposed in Zone 1, Residential District No. 1 and Zone 2, Residential District No. 2, and the hereinbefore established set back lines in the opinion of the Council are improper for the particular location involved, the City Council may, upon petition of the owner, grant a permit for the

location of the proposed building back of a set-back line located at a distance from the street determined by the average distance from the street of existing residential buildings in the block facing the street upon which the proposed building is to face.

Section 12. ILLEGAL OCCUPANCY. Any use of a premises or building which deviates from or violates any of the provisions of this ordinance shall be termed an illegal occupance and the person or persons responsible therefor shall be subject to the penalties herein provided.

Section 13. TEMPORARY USES. Such temporary permit may be created only by resolution of the City Council for a period not exceeding six months and shall be revocable at the will of the City Council or extended for a time specified in the grant thereof. Such extension may be granted by the City Council without recommendation from the Planning Commission. The temporary permit or any extension thereof shall be subject to such limitations and conditions as the City Council may impose.

Section 14. AMENDMENTS CHANGING ZONES AND REGULATIONS. Amendments to this ordinance changing the REGULATIONS and the lines of the ZONED DISTRICTS may be made from time to time by the City Council in the following manner:

AMENDMENTS INITIATED BY THE CITY COUNCIL. The City Council may from time to time by motion initiate proposed changes in the REGULATIONS or in the DISTRICTS and if such proposed change is approved by a majority of the councilmen present, a public hearing shall be held thereon not later than thirty (30) days after such approval.

If, by such proposal a change in REGULATIONS of this ordinance is proposed, notice of such PUBLIC HEARING shall be given to the general public in the manner required by Section 95-2404 Oregon Compiled Laws Annotated; namely, by publication in a newspaper of general circulation published in the City of Lebanon to be published not less than three times if such newspaper is a daily newspaper, or not less than once in any other newspaper of general circulation within the city. Such notice shall state that an amendment to this ordinance has been proposed by the City Council and that a public hearing will be held for the purpose of affording persons particularly interested and the general public an opportunity to be heard, and shall designate the time and place of such hearing which shall not be more than seven (7) days after the date of the

publication of such notice. Such public hearing shall be held at a regular or special meeting of the City Council. At any time after such public hearing, the Council may by ordinance amend the REGULATIONS of this zoning ordinance in accordance with the proposal submitted to the public at such hearing.

If a change in the LINES OF THE ZONED DISTRICTS be proposed, owners of the "property affected" shall be personally notified of such proposed change and of a hearing thereon. For the purpose of showing which property owners are entitled to such notice, the term "property affected" shall be deemed to be the area bounded by lines 300 feet from and parallel to the boundary of the area to be changed exclusive of streets and alleys. A property owner shall be deemed to have been personally notified if a notice of such public hearing enclosed in a stamped envelope containing his name and address is deposited in the United States Post Office. A statement verified by the City Recorder of the City of Lebanon to the effect that such stamped envelope containing such notice has been deposited in the United States Post Office shall be conclusive evidence that the requirement of this ordinance with respect to such notice has been complied with.

AMENDMENT INITIATED BY PETITION. All changes except those initiated ^{by} the Council shall be made only upon petition. If such proposed change be a change in the boundaries of the zoned districts or, if thereby, a portion of a zoned district is changed from one zone to another, the petition shall be signed by not less than 50 per cent of the owners of property included within the area to be changed and shall also be signed by not less than 50 per cent of the owners of property of the block in which the changes are to be made. In case the area to be changed is greater than one block, at least 50 per cent of the owners of property included in each block shall be represented upon the petition. If the proposed change initiated by property owners changes the REGULATIONS of this ordinance at least 50 per cent of the owners of property included within the zone or area affected by such change shall sign the petition.

Whenever a petition containing the required number of signatures requesting an amendment changing the boundary lines or REGULATIONS

shall be presented to the Council, it shall be the duty of the Council to vote upon such amendment within 90 days after filing of the same with the City Recorder by the petitioners. The petition shall show the signatures of the various property owners, their addresses, and description of property owned sufficient for identification thereof.

The petitioners shall also furnish a complete list of names and addresses of owners, together with a description of all property in the affected area. If there is property within the affected district in a less restricted zone than that to which it is proposed to change the area as designated on the petition, this property need not be included on the list furnished.

The City Council shall within 60 days after the filing of any petition for a change in this ordinance afford persons particularly interested and the general public an opportunity to be heard at a time and place specified in notice of hearing published in the manner required by Section 95-2404 Oregon Compiled Laws Annotated.

Amendments hereto shall be made only by ordinance regularly passed by the Common Council of the City of Lebanon and in accordance with the specifications hereinabove set forth.

If a protest against such amendment be presented, duly signed by the owners of 20 per cent of the land within such area proposed to be altered, such amendment shall not be passed except by a two-thirds vote of the Council.

Section 15. SIGNATURES When the signature of an owner of property is required the person or persons who are purchasing property under contract may sign their name or names as the owner or owners of the property covered by the contract of purchase and shall be construed hereunder as the owner or owners of such property provided that it shall be shown in connection with such signatures or signature that such person or persons are purchasing such property under contract; and provided further, that the city council may require submission of satisfactory proof of the existence of such contract of purchase; and provided further, that when any property is held under a joint ownership or tenancy by the entirety that the signature of all of the owners shall be required before the property that they own jointly or by the entirety shall be deemed to have consented to the change.

Section 16. VALIDITY OF ORDINANCE. If any section, paragraph, subdivision, clause, sentence or provision of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not effect, imperil, invalidate or nulify the remainder of this ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 17. PENALTY FOR VIOLATION. The owner or owners of any building or premises, or part thereof, where anything in violation of this ordinance shall be placed, or shall exist, or be maintained, and any architect, builder or contractor who shall assist in the commission of any such violation, and all persons or corporations who shall violate or maintain any violation, of any of the provisions of this ordinance or who shall fail to comply therewith, or with any requirements thereof, or who shall build in violation of any of the detailed statement of plan submitted and approved thereunder, shall for each and every violation or non-compliance be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than Two Hundred Dollars, or by imprisonment in the City Jail not to exceed one hundred days, or by both such fine and imprisonment. Each day that a violation of this ordinance continues shall be considered a separate offense.

Section 18. REPEAL OF INTERIM ZONING ORDINANCE AND CONFLICTING PROVISIONS. The interim zoning ordinance passed by the City of Lebanon on the 19th day of March, 1946, and all amendments thereto and all other ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 19. EMERGENCY CLAUSE. Whereas there is now a great deal of activity in the building trades, and the building operations are being conducted in the City of Lebanon at this time and this is the time of year when further building operations are contemplated and it is probable that if this ordinance is not put into effect that applications will be made for construction of buildings which would be used for purposes which would be in violation of the provisions of this ordinance if the same were in effect; and

Whereas it is the opinion of the council that the construction of such buildings and such use thereof would be detrimental to the peace, health, and safety of the City of Lebanon and the inhabitants thereof; and,

Whereas the council finds that it is necessary and expedient that the provisions of this ordinance shall go into effect forthwith for the preservation of the peace, health, and safety of the City of Lebanon, Oregon;

Therefore, an emergency is hereby declared to exist and this ordinance shall become immediately operative and effective from and after its passage by the Council and approval by the Mayor.

Passed by the Council this 17th day of May, 1948.

Approved by the Mayor this 17th day of May, 1948.

ATTEST:

CITY RECORDER



MAYOR