

A BILL FOR AN ORDINANCE )  
AMENDING PORTIONS OF THE )  
LEBANON MUNICIPAL CODE, )  
AND DECLARING AN EMERGENCY. )

ORDINANCE BILL NO. 19  
FOR 1987  
ORDINANCE NO. 2028

THE CITY OF LEBANON ORDAINS AS FOLLOWS:

Section 1. Section 10.04.020 of the Lebanon Municipal Code is hereby amended to read as follows:

"Violation of provisions in Oregon Revised Statutes, Chapters 153, 743, and 801 through 823, inclusive, as now constituted, is an offense against the City. The City Attorney shall have the authority to prosecute violations of this title on behalf of the City."

Section 2. Section 10.56.010 of the Lebanon Municipal Code is hereby amended to read as follows:

"Violation of a provision identical to a state statute is punishable by a fine and/or imprisonment not to exceed the penalty prescribed by the state statute."

Section 3. Attached hereto and incorporated herein by reference is a list of "general provisions". Said general provisions are hereby adopted and made a part of the Lebanon Municipal Code.

Section 4. Various existing provisions of the Lebanon Municipal Code refer to violations of those provisions as "misdemeanors". Notwithstanding any such designation in any existing city ordinance, the following shall apply: Except for those offenses which have been incorporated by reference from Oregon State Statutes, and except for any penalty provisions to the contrary which are adopted after the effective date of this ordinance, the penalty for violation of any of the mandatory requirements of any ordinance of the City of Lebanon shall be punishable by a fine not to exceed \$500.00. Any reference to "misdemeanor" or a jail sentence in the following provisions is

hereby deleted: Lebanon Municipal Code §§2.12.120, 3.12.130, 5.08.070, 5.12.080, 5.16.100, 5.20.220, 5.24.070, 5.28.120, 8.04.380, 8.08.270, 8.16.020, 8.20.110, 8.24.090, 9.28.010, 10.20.140, 10.24.020, 12.08.150, 12.12.040, 13.04.600, 13.12.280, 14.04.210, 14.08.200, 14.12.210, 15.12.230, 15.16.120, 15.20.130, 16.52.070, 17.68.070 and Ordinances 1842, §2, 1899 §6.2, 1901 §13, 1937 and 1999. Violation of any provision incorporated by reference from an Oregon State Statute shall be punishable by a fine and/or imprisonment not to exceed the penalty prescribed by the state statute.

Section 5. Ordinance No. 1900 is hereby amended to include the guidelines attached thereto as a part of said ordinance.

Section 6. Chapter 9.04.020 is hereby amended to read as follows:

"Violations of those provisions designated as misdemeanors, infractions or violations contained in Oregon Revised Statutes, Chapters 161, 162, 163, 164, 165, 166, 167, 169, 471 and 475, inclusive, as now constituted, are an offense against the City."

Section 7. Section 9.040.030 of the Lebanon Municipal Code is hereby amended to read as follows:

"Those procedural provisions of Oregon Revised Statutes, Chapters 131, 133, 135, 136, 137, 142 and 153 reasonably applicable to those provisions of Oregon Revised Statutes incorporated in Section 9.04.020 above, are hereby adopted and made a part of the Lebanon Municipal Code."

Section 8. Ordinances No. 1841, 1903, 1865, 1894, 1920, 1988, 1838 §1 and Sections 2.28.010, 9.28.010, and 10.04.030 and Chapter 8.20 of the Lebanon Municipal Code are hereby repealed.

Section 9. It is necessary for the health, safety, comfort and convenience of the people of the City of Lebanon that this Ordinance have immediate effect. Therefore, an emergency is

hereby declared to exist and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council by a vote of 6 for and 0 against and approved by the Mayor this 9<sup>th</sup> day of December, 1987.

Mayor

ATTEST:

City Administrator

## GENERAL PROVISIONS

Section 1. DEFINITIONS. The following words and phrases, whenever used in the ordinances of the City of Lebanon, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

A. "City" and "town" each mean the City of Lebanon, or the area within the territorial limits of the City of Lebanon, Oregon, and such territory outside Lebanon over which the City has jurisdiction or control by virtue of any constitutional or statutory provision.

B. "Council" means the City Council of the City of Lebanon. "All its members" or "all councilmen" means the total number of councilmen holding office.

C. "County" means the county of Linn.

D. "Law" denotes applicable federal law, the Constitution and statutes of the state of Oregon, the ordinances of the City of Lebanon, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

E. "May" is permissive.

F. "Month" means a calendar month.

G. "Must" and "shall" are each mandatory.

H. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

I. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

J. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

K. "Personal property" includes money, goods, chattels, things in action and evidence of debt.

L. "Preceding" and "following" means next before and next after, respectively.

M. "Property" includes real and personal property.

N. "Real property" includes lands, tenements and hereditaments.

O. "Sidewalk" means that portion of a street between the curblin and the adjacent property line intended for the use of pedestrians.

P. "State" means the state of Oregon.

Q. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

R. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

S. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

T. "Year" means a calendar year.

Section 2. TITLE OF OFFICE. Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the City.

Section 3. INTERPRETATION OF LANGUAGE. All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

Section 4. GRAMMATICAL INTERPRETATION. The following grammatical rules shall apply in the ordinances of the City of Lebanon, unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

Section 5. ACTS BY AGENTS. When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent.

Section 6. PROHIBITED ACTS INCLUDE CAUSING AND PERMITTING. Whenever in the ordinances of the City of Lebanon, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

Section 7. COMPUTATION OF TIME. Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded.

Section 8. CONSTRUCTION. The provisions of the ordinances of the City of Lebanon, and all proceedings under them are to be construed with a view to effect their objects and to promote justice.

Section 9. REPEAL SHALL NOT REVIVE ANY ORDINANCES. The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby.