

A BILL FOR AN ORDINANCE AMENDING) Ordinance Bill No. 35
CHAPTER 18.08, DEFINITIONS, OF THE) For 2006
LEBANON MUNICIPAL CODE CONCERNING)
FLOOD PREVENTION CONTROL) Ordinance Number 2726

WHEREAS, the City of Lebanon has adopted provisions for the control and prevention of flooding; and

WHEREAS, it is necessary for the ordinances of the City to comply with and be consistent with state and federal regulations; and

WHEREAS, the City has reviewed its ordinances with the U.S. Department of Homeland Security and desires to make amendments to the City code to come into compliance with federal law and definitions.

NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. Lebanon Municipal Code Section 18.08.030, Area of Shallow Flooding, is hereby deleted in its entirety.

Section 2. A new section of the Lebanon Municipal Code, Section 18.08.055, is hereby added to read as follows:

18.08.055 Basement

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

Section 3. Lebanon Municipal Code Section 18.08.060 is hereby amended to read as follows:

18.08.060 Development

"Development" means a man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations *or storage of equipment or materials* located within the area of special flood hazard.

Section 4. A new section of the Lebanon Municipal Code, Section 18.08.145, is hereby added to read as follows:

18.08.145 Recreational Vehicle

“Recreational Vehicle” means a vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Section 5. Lebanon Municipal Code Section 18.08.150 is hereby amended to read as follows:

18.08.150 Start of construction.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavations for a basement, footings, piers or foundation, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. *For a substantial improvement, as that term is defined hereafter, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.*

Section 6. A new section of the Lebanon Municipal Code, Section 18.08.165, is hereby added to read as follows:

18.08.165 Substantial Damage

“Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Section 7. Lebanon Municipal Code Section 18.08.170 is hereby amended to read as follows:

18.08.170 Substantial improvement.

A. "Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:


1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not alteration affects the external dimensions of the structure.

B. The term does not, however, include either:

1. Any project for improvement of a structure to *correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum* [comply with existing state or local health, sanitary or safety code specifications which are solely] necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Section 8. All other definitions contained in Chapter 18.08, unless deleted or amended by this ordinance, shall remain in effect.

Passed by the Lebanon City Council this 13th day of December, 2006 by a vote of 6 for and 0 against.



Kenneth I. Toombs, Mayor

ATTEST:



Linda Kaser, City Clerk / Recorder