

CITY OF WHEELER, OREGON ZONING ORDINANCE

ARTICLE 19: GENERAL PROVISIONS

Section 19.010. Interpretation.

Where the conditions imposed by a provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or any other ordinance, the provision which is more restrictive shall govern.

Section 19.020. Severability.

The provisions of this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

Section 19.030. Enforcement Duties.

1. It shall be the duty of the City Council to enforce this ordinance. Appropriate authorities including but not limited to the County Sheriff and authorized representatives, the Manzanita Police Department, the Building Official, and Code Enforcement shall have the power, upon request, to assist in the enforcement of this ordinance.
2. The City Manager and designees shall assist the City Council in the administration of this ordinance
3. The City Council may conduct an investigation if the City Council is of the opinion that a violation does exist. If the City Council is of the opinion that a violation does exist, the City Council shall direct the City Manager to either intervene administratively consistent with the administrative response plan or to summon the owner, occupant, developer, or agent of the property to show cause why said violation should not cease. These remedies of enforcement shall be in addition to and not in lieu of other remedies directed by the City.
4. The City Attorney shall institute any necessary legal proceedings to enforce this ordinance.

Section 19.040. Abatement and Penalty.

1. A person violating a provision of the ordinance shall, upon conviction, be punished by a fine of not more than \$250 dollars. A violation of this ordinance shall be considered a separate offence for each day the violation continues.
2. In case a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used, or land is, or is proposed to be used, in violation of this ordinance, the structure or land thus in violation shall constitute a nuisance and the city may, as an alternative to other remedies that are legally available for enforcement, or other appropriate proceedings to prevent, enjoin

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temporarily or permanently, abate, or remove the unlawful location, construction, maintenance, repair, alteration or use.

Section 19.050. Repeal and Continuity.

Zoning Ordinance No. 76-2, known as the City of Wheeler Zoning Ordinance, and Ordinance 77-3, known as the City of Wheeler Flood Hazard Ordinance, are hereby repealed effective upon the effective date of this ordinance. All violations of Ordinances 76-2 and 77-3 shall continue as violations of this ordinance unless specifically authorized herein. All permits granted under Ordinances 76-2 and 77-3 shall continue in effect. No rights shall be acquired by the repeal of Ordinances 76-3 and 77-3 that are not specifically approved herein.

The City Council does hereby declare an emergency exists and it is necessary for the immediate preservation of the peace, health and safety of the city that this ordinance should become effective immediately upon its passage by the City Council and approval by the Mayor.

PASSED BY THE CITY COUNCIL

APPROVED BY THE MAYOR

This 28th day of December 1979 this 28th day of December 1979

/s/ Virgil L. Staben
City Recorder

/s/ Paul Steele
Paul Steele, Mayor