

ORDINANCE NO. 232

AN ORDINANCE AMENDING TITLE 3, CHAPTER 36 OF THE DUNES CITY CODE OF ORDINANCES ENTITLED “CODE ENFORCEMENT”, REPEALING AND REPLACING SECTION 36.070 THEREOF TO INCLUDE FINES, ADDING A NEW SECTION 36.95, ENTITLED “FINES, ASSESSMENT, AND LIEN”; AND OTHER MATTERS RELATING THERETO.

WHEREAS, the City Council determined, at the time of adoption of Ordinance No. 219, on January 10, 2013, it is beneficial for both city staff and the public that the various enforcement provisions contained in Code were consolidated into Chapter 36; and

WHEREAS, the consolidation of the various provisions of Code into one Code Enforcement Chapter in the Dunes City Code failed to offer any kind of penalty, such as fines, as a means to deter future violations of Code; and

WHEREAS, various provisions exist in Dunes City Code which call for the fining of individuals in the event of a finding that a violation of Code has occurred;

NOW, THEREFORE, THE CITY OF DUNES CITY ORDAINS AS FOLLOWS:

Section 1: Section 36.070 CODE OF ORDINANCE VIOLATIONS, is hereby amended to read as follows:

§36.070 CODE OF ORDINANCE VIOLATIONS.

In the event of a finding of a violation of the Code, the Code Enforcement Officer may take the following actions:

- A. Seek voluntary compliance to abate the violation without any further action taken;
- B. Summarily abate the violation if the violation is an immediate threat to public health and safety or endangers property;
- C. Impose administrative costs against the person found to be responsible for the violation;
- D. Issue a notice of violation;
- E. Issue a cease and desist order;
- F. Abate;
- G. Fine;
- H. Execute a stipulation agreement; and/or
- I. Commence civil proceedings.

Section 2. Title 3, Chapter 36, of the Dunes City Code is hereby amended by adding the following Section:

§36.095. FINE ASSESSMENT AND LIEN.

A. Any person found to be in violation of any section or provision of this City Code, where no other penalty is set forth, shall be punished by a fine not to exceed FIVE HUNDRED DOLLARS (\$500.00) for any one offense, each day constituting a separate offense.

B. In all cases where the same violation is made punishable or is created by different clauses or sections of this City Code, the Code Enforcement Officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

C. Whenever the doing any act or the omission to do any act constitutes a breach of any section or provision of this City Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply.

D. No provisions of this City Code designating the duties of the Code Enforcement Officer, or designated Code Enforcement Officer, shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intent of the City Council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

E. The Code Enforcement Officer shall forward a notice of imposition of penalty to the property owner and Person Responsible stating:

1. The amount of any penalty for violation of the Code;
2. That the penalty will be assessed to and become a lien against the real property if not paid within 30 calendar days of the date of the notice;
3. That the penalty may be appealed to the City Council by submitting a written notice of appeal to the City Recorder within 10 calendar days of the date of the notice and paying any fees associated with the filing of notice of appeal;

F. Upon receipt of a timely filed written request for review, the matter will be placed on the agenda for consideration at the next regularly scheduled City Council meeting. The Council's decision on the appeal shall be final.

G. Unless prior arrangements have been made with the City Recorder, if the penalties assessed are not paid within 30 calendar days of the date of the notice of imposition of penalty, the amount owed will be entered into the docket of city liens and will constitute a lien on the property where the violation took place. This lien will be recorded with Lane County Deeds and Records.

H. The lien may be enforced in the same manner as liens for street improvements are enforced, and will bear interest at a legal rate of interest. Interest will begin to run on the date of entry in the lien docket.

I. An error in the name or address of the property owner or Person Responsible for a failure to receive the notice of imposition of penalty will not void the imposition and it will remain a valid lien on the property.

J. Abatement or correction of a code violation is not a penalty, but is an additional remedy. Imposition of a penalty for a code violation does not relieve the Person Responsible of the duty to abate or correct the violation.

§ 36.140 JOINT RESPONSIBILITY.

If more than one person is a Person Responsible, they will be jointly and severally liable for abating or correcting the violation, for the costs incurred by the City in abating or correcting the violation, and for any and all penalties assessed for violation of the Code.

The first reading of this Ordinance was conducted in a regular meeting of the City Council of Dunes City, Oregon, on the 14 day of January, 2016.

The second reading of this Ordinance was conducted in a regular meeting and adopted by the City Council of Dunes City, Oregon on this 14 day of January, 2016.

Ayes: 4 Nays: 0 Abstain: 0 Absent: 1 Vacant: 1

ADOPTED BY THE DUNES CITY COUNCIL THIS 14 DAY OF January, 2016.


Rebecca Ruede, Mayor

ATTEST:


Jamie Mills, Acting City Recorder

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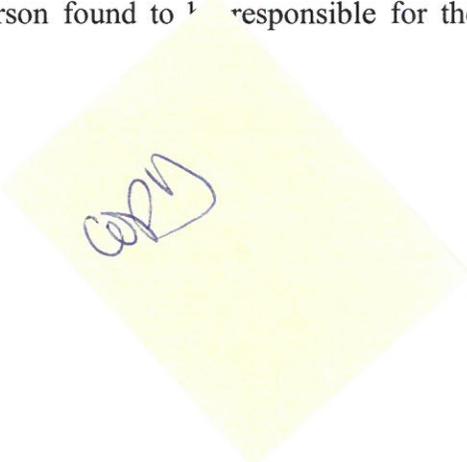
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[Signed copy available at City Hall]
Rebecca Ruede, Mayor

ATTEST:

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Jamie Mills, Acting City Recorder