

**CITY OF DUNES CITY
LANE COUNTY, OREGON
ORDINANCE NO. 228**

**AN ORDINANCE AMENDING TITLE XV OF THE DUNES CITY CODE OF
ORDINANCES BY REPEALING CHAPTER 157 ENTITLED “SEPTIC SYSTEM
MAINTENANCE,” AMENDING TITLE XIV OF THE DUNES CITY CODE OF
ORDINANCES BY ADDING CHAPTER 142 ENTITLED “SUBSURFACE SANITATION,”
AND REPEALING ORDINANCE NO. 203**

WHEREAS, on January 14, 2010, the City Council of Dunes City adopted Ordinance Number 203, which established Chapter 157 within the Dunes City Code of Ordinances entitled “Septic System Maintenance;” and

WHEREAS, Ordinance Number 203 established a mandatory five (5) year time period within which periodic septic evaluations are to be made and reported to Dunes City; and

WHEREAS, many residences in Dunes City are second homes, vacation homes, or are only inhabited by one or two persons, while others may be occupied by large families or multi-families; and

WHEREAS, the five (5) year mandatory time period may be unnecessary in some circumstances, while not frequent enough in others; and

WHEREAS, it would be in the best interests of Dunes City and its residents if the time period within which periodic septic system evaluations are to be made were to be set by an expert in the field of septic system evaluations; and

WHEREAS, proper system maintenance prevents the adverse impacts of failing systems that may result in improper discharge of sewage effluent-threatening surface water, groundwater, and public health, safety and welfare; and

WHEREAS, Dunes City desires to ensure that all onsite wastewater disposal systems or septic systems are operated in a safe, healthful and environmentally responsible manner; and

WHEREAS, on August 18, 2015, as per ORS 197.610, OAR Chapter 660, Division 18, and Section 155.4.1.7.B.2.d a notice of the proposed amendment of the Dunes City Code was sent to DLCD; and

WHEREAS, no exceptions to applicable statewide planning goals numbers 2, 5 and 6 are proposed; and

WHEREAS, in accordance with ORS 227.186 (Ballot Measure 56) notice of the proposed changes to the Dunes City Code of Ordinances was mailed to owners of real property in Dunes City on October 8, 2015, 21 days prior to the first evidentiary hearing, which was first publicly announced on September 12, 2015, 40 days prior to the Planning Commission hearing scheduled for October 22, 2015; and

WHEREAS, on September 24, 2015, the Planning Commission canceled the October 22, 2015 hearing and rescheduled the public hearing for October 29, 2015; and

WHEREAS, first notice of a public hearing before the Planning Commission was published in *The Siuslaw News* on September 12 and September 16, 2015, and again on October 10 and October 14, 2015 as required by Section 155.4.1.7.B.2.b of the Dunes City Development Code; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments to the Dunes City Code of Ordinances on October 29, 2015, [and held a second public hearing on the proposed amendments to the Dunes City Code of Ordinances on November 19, 2015](#), ~~adopted recommended findings of fact~~, and recommended to the City Council that the ~~Dunes City Code of Ordinances be amended as presented in this ordinance~~ [City Council take no action on the proposed amendment to the Dunes City Code of Ordinances](#); and

WHEREAS, notice of a public hearing before the City Council was published in *The Siuslaw News* on October 24 and October 28, 2015, as required by Section 155.4.1.7.B.2.b of the Dunes City Development Code; and

[WHEREAS, notice of a public hearing before the City Council was published in *The Siuslaw News* on March 26 and March 30, 2016, as required by Section 155.4.1.B.2.b of the Dunes City Development Code; and](#)

WHEREAS, the City Council held a public hearing on the proposed amendments to the Dunes City Code of Ordinances on ~~November 12, 2015~~ [April 14, 2016](#); and

WHEREAS, the Council has considered materials relevant to the proposed amendments, including staff reports the finds made by the Planning Commission, and testimony and comments submitted at both public hearings, both orally and in writing;

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

Section 1. Findings of Fact

The City Council hereby adopts the Findings of Fact attached to this Ordinance as **Exhibit A**.

Section 2. Repeal of Chapter 157, Title XV, of the Dunes City Code of Ordinances is amended to repeal Chapter 157 in its entirety, Ordinance Number 203 is also hereby repealed. The repeal of Ordinance Number 203 and Chapter 157 shall not affect any action occurring before the repeal takes effect.

Section 3. Amendment of Title XIV

Title XIV of the Dunes City Code of Ordinances, entitled “Water Quality Protection,” is amended to add a new Chapter 142, entitled “Subsurface Sanitation,” which shall read as provided in the attached **Exhibit B** to this Ordinance.

Section 4. Administrative Fees

The City Council shall, by resolution, establish and amend fees to cover all or a portion of the expense of implementing and administering this Ordinance.

Section 5. Severability

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is judicially declared to be invalid, unenforceable, and/or void by a court of competent jurisdiction, such decision shall not have the effect of invalidating or voiding the remainder of this Ordinance, and the part(s) of this Ordinance so held to be invalid, unenforceable, and/or void shall be deemed stricken, and the remainder of this Ordinance shall have the same force and effect as if such stricken part(s) had never been included.

Section 6. Effective Date

This Ordinance shall take effect on the thirtieth day after its enactment.

The first reading of this Ordinance was conducted in a regular meeting of the City Council of Dunes City, Oregon, on the ~~12th~~-~~14th~~ day of ~~November 2015~~April 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 ____th day of _____ ~~2015~~2016.

Ayes: _____ Nays: _____ Abstain: _____ Absent: _____ Vacant: _____

ADOPTED BY THE DUNES CITY COUNCIL THIS ____th DAY OF _____,
~~2015~~2016