

ORDINANCE NO. 214

AN ORDINANCE TO AMEND CHAPTER 10 OF THE DUNES CITY CODE OF ORDINANCES ENTITLED “GENERAL PROVISIONS,” CORRECTING SCRIBNER’S ERRORS; CLARIFYING CERTAIN DEFINITIONS; REPEALING SECTION 10.99 OF THE DUNES CITY CODE; REPEALING ORDINANCE NO. 177; AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, Section 10.01, entitled “Title of Code” for Dunes City erroneously refers to the codification of ordinances by and for Seaside; and

WHEREAS, the City Council believes it would be in the best interests of Dunes City if its Code did not refer to the City of Seaside; and

WHEREAS, Section 10.06, entitled “Rules of Interpretation”, subparagraph (A), defining “And” and “Or”, in the opinion of the City Council, is somewhat confusing and needs to be clarified; and

WHEREAS, the City Council believes it is in the best interests of the residents of Dunes City to make the Code as easy to understand as possible; and

WHEREAS, Section 10.99 of the Dunes City Code, entitled “General Penalty” was adopted by codification under Ordinance No. 158 in 1999; and

WHEREAS, Ordinance No. 177, adopted May 12, 2005, amended the provisions of Section 10.99 of the Dunes City Code; and

WHEREAS, the City Council believes it is best to incorporate any penalty provisions into the Code Enforcement provisions of the Dunes City Code under Chapter 36, entitled “Code Enforcement”; and

WHEREAS, the Dunes City Charter reserves unto the Municipal Judge “original and exclusive” jurisdiction of the matter of penalties for violation of Dunes City Code; and

WHEREAS, Dunes City is currently without sufficient funds to retain or establish a Municipal Judge or Municipal Court in the City of Dunes City; and

WHEREAS, without a Municipal Judge, Dunes City cannot penalize or fine any of its residents for Code violations, but can only abate such violations and seek reimbursement for such abatement; and

WHEREAS, no exceptions to statewide planning goals are proposed; and

WHEREAS, no exceptions to applicable Dunes City Comprehensive Plan policies are proposed; and

WHEREAS, the City Council is ready to consider adoption of amendments to Chapter 10 of the Dunes City Code.

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

Section 1. Amendment to Chapter 10 within the Dunes City Code of Ordinances entitled “General Provisions”

A. §10.01, entitled “Title of Code” is hereby amended to read as follows:

“§ 10.01 TITLE OF CODE.

This codification of the ordinances shall be designated as the *Code of Dunes City* and may be so cited.”

B. §10.06, entitled “Rules of Interpretation”, and specifically subparagraph (A) thereof, is hereby amended to read as follows:

“§ 10.05 RULES OF INTERPRETATION.

The construction of all ordinances of this City shall be by the following rules, unless such construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance.

(A) **AND** or **OR**. Either conjunction shall include the other only if written “and/or” in the sense where two options may be valid.

Section 2. Severability Clause.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and that holding shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Effective Date.

This ordinance shall take effect thirty (30) calendar days after adoption and publication of a Notice of Adoption in accordance with Dune City Charter.

Section 5. Repeal.

The repeal of Section 10.99 of the Dunes City Code and Ordinance Number 177, passed May 12, 2005, shall not affect any action occurring before the repeal takes effect. Section 10.99 of the Dunes City Code and Ordinance Number 177 are hereby repealed.

The first reading of this Ordinance was conducted in a regular meeting of the City Council of Dunes City, Oregon, on the 14th day of June, 2012.

The second reading of this Ordinance was conducted in a regular meeting and adopted by the City Council of Dunes City, Oregon on this 12th day of July, 2012.

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

ADOPTED BY THE DUNES CITY COUNCIL THIS 12TH DAY OF JULY 2012.

Rebecca Ruede, Mayor

ATTEST:

Fred Hilden, City Recorder