

# DRAFT ORDINANCE NO. 259

## CITY OF DUNES CITY LANE COUNTY, OREGON

### ORDINANCE NO. 259

#### AN ORDINANCE REPLACING CHAPTER 155 IN TITLE XV OF THE DUNES CITY CODE OF ORDINANCES, REPEALING ORDINANCE NO. 182, AND OTHER MATTERS PROPERLY RELATING THERETO

**WHEREAS**, the Dunes City Planning Commission, Citizen Advisory Committees and City Council have been considering revisions to Chapter 155 of the Dunes City Code for over ten years; and

**WHEREAS**, post-acknowledgement plan amendment notice of the proposed changes to Chapter 155 of the Dunes City Code was sent to DLCDC on August 25, 2021; and

**WHEREAS**, in accordance with ORS 227.186, notice of the proposed changes to Chapter 155 of the Dunes City Code was mailed to all owners of real property in Dunes City on September 16, 2021, 30 days prior to the first evidentiary hearing; and

**WHEREAS**, the City Council is ready to consider adoption of revisions to Chapter 155 of the Dunes City Code.

#### **NOW, THEREFORE, DUNES CITY ORDAINS AS FOLLOWS:**

**Section 1: REPLACEMENT.** Chapter 155 of the Dunes City Code is replaced with a new Chapter 155 attached as “Exhibit A” to this Ordinance and incorporated by reference herein.

**Section 2. EFFECTIVE DATE.** This Ordinance shall take effect on the 30<sup>th</sup> day after its adoption.

**Section 3. SEVERABILITY.** If any article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, or superseded by State or federal legislation, rules, regulations or decisions, the remainder of this Ordinance shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance, and each remaining section, subsection, sentence, clause, phrase, term, provision, condition, covenant, and portion of this Ordinance shall be valid and enforceable to the fullest extent permitted by law. In the event that federal or State laws, rules or regulations preempt a provision or limit the

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enforceability of a provision of this Ordinance, then the provision shall be read to be preempted only to the extent required by law. In the event such federal or State law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect and shall thereafter be binding, without the requirement of further action on the part of the City.

**Section 4. OTHER REMEDIES.** Nothing in this Ordinance shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this Ordinance. Nonexclusive remedies for enforcement are all those available under State and County laws including seizure of property, civil and criminal penalties.

**Section 5. CAPTIONS.** The captions to sections throughout this Ordinance are intended solely to facilitate reading and reference to the sections and provisions contained herein. Such captions shall not affect the meaning or interpretation of this Ordinance.

**Section 6. SCRIVENER'S ERRORS.** Any scrivener's errors in this Ordinance may be corrected by Resolution of the City Council .

**Section 7. REPEAL.** Chapter 155, Title XV, of the Dunes City Code of Ordinances adopted by Ordinance No. 182 on December 12, 2006, is hereby repealed and replaced by this Ordinance No. 259. The repeal of Ordinance No. 182 shall not affect any action occurring before the repeal takes effect.

**Section 8. 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.

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Passed at the first reading in regular meeting of the City Council of Dunes City, Oregon, on the \_\_\_\_ day of \_\_\_\_\_, 202 \_\_\_\_.

Ayes: \_\_\_\_ Nays: \_\_\_\_ Abstain: \_\_\_\_ Absent: \_\_\_\_ Vacant: \_\_\_\_

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Passed at the second reading and placed on final passage, and adopted by the City Council of Dunes City, Oregon, on this \_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.

Ayes: \_\_\_\_ Nays: \_\_\_\_ Abstain: \_\_\_\_ Absent: \_\_\_\_ Vacant: \_\_\_\_

**ADOPTED BY THE DUNES CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_\_\_.**

\_\_\_\_\_  
Robert Forsythe, Mayor

ATTEST:

\_\_\_\_\_  
Jamie Mills, City Recorder