

**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 “ENTITLED LAND USAGE”, REPEALING ORDINANCES NUMBERED 182, 204 AND 213; 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 (10) years; and

WHEREAS, post-acknowledgement plan amendment notice of the proposed changes to Chapter 155 of the Dunes City Code was sent to the Department of Land Conservation and development (DLCD) 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 were 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 of Ordinances;

NOW, THEREFORE, THE CITY OF 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 30th day after its adoption.

Section 3. SEVERABILITY. If any article, section, subsection, sentence, division, 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of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, or superseded by State or federal legislation, rules, regulations or decision, the remainder of this Ordinance shall not be affected thereby but shall be deemed as a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 regulation preempt a provision or limit the 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 In the event that such federal or State law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force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. Non-exclusive 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 Ordinance adopted by Ordinance No. 182 on December 12, 2006, is hereby repealed and replaced by this Ordinance No. 259. Also repealed is Ordinance No. 204, adopted January 14 2010 and Ordinance No. 213, adopted November 10, 2012.

Section 7. EFFECTIVE DATE.

This Ordinance will become effective 30 days after the date of adoption.

First reading performed in a regular meeting of the City Council of Dunes City, Oregon, on the _____ day of _____, 2023.

Passed at the second reading and placed on final passage, and adopted by the City Council of Dunes City, Oregon, on this _____ day of _____, 2023.

Roll Call: Aye: _____
Nay: _____
Ayes: _____ Nays: _____ Abstain: _____ Absent: _____

DATED THIS _____ DAY OF _____, 2023.

SHELDON MEYER, MAYOR

ATTEST:

JAMIE MILLS, CITY ADMINISTRATOR