

ORDINANCE NO. 71

THIS IS AN ORDINANCE REPEALING ORDINANCE NO. 69, AND AUTHORIZING THE CITY TO DENY BUILDING PERMITS AND LAND USE APPLICATIONS TO OWNERS, DEVELOPERS, AND CONTRACTORS WHO ARE NOT IN COMPLIANCE WITH MUNICIPAL ORDINANCES AND CONDITIONS CREATED BY THE SUBDIVISION ORDINANCE.

WHEREAS, it has come to the attention of the City of Dunes City that developers of subdivisions in the past have not fulfilled the conditions under which the Ordinance creating the subdivision was passed, or have allowed the subdivision to fall out of compliance, and

WHEREAS, it has come to the attention of the City of Dunes City that the City is without power to refuse building permits to lots in non-complying subdivisions once the Subdivision Ordinance is approved, and

WHEREAS, it appears the sole remedy of the City would be to revoke the Subdivision Ordinance, and thereby impose a substantial hardship upon innocent third parties,

THEREFORE, THE CITY OF DUNES CITY DOES ORDAIN AS FOLLOWS:

SECTION ONE. Subdivision Violations.

The City of Dunes City is authorized to withhold building permits on any unsold lots in a subdivision which the City finds is:

1. Not in compliance with any Ordinance duly enacted by Dunes City.
2. Is not in compliance with any conditions attached to the Ordinance which created the subdivision.

SECTION TWO. Violation by land owners.

The City of Dunes City is authorized to withhold building permits, and is authorized to refuse to process further applications for land use decisions for any person who owns land in Dunes City if:

1. The City finds the owner has in the past performed acts which are not in compliance with Dunes City duly enacted Ordinances, and has been unwilling to correct those violations.

2. The owner has in the past performed acts which are in violation of conditions attached to Ordinances creating planned unit developments, subdivisions, or other land use Orders, and has refused to bring those violations into compliance.

SECTION THREE. Contractors and Developers.

The City of Dunes City is authorized to refuse to issue building permits or process land use applications for any contractor or developer if the City finds:

1. The contractor or developer has in the past performed acts which are not in compliance with the duly enacted Ordinances of Dunes City, and has been unwilling to correct those deficiencies.
2. The contractor or developer has in the past failed to comply with conditions attached to Ordinances creating subdivisions, P.U.D.'s, and other land use Orders, and has been unwilling to correct the violations after being informed of them.

SECTION FOUR. Enforcement.

1. Suspending issuance of building permits.

a) In the event the City Council, after discussion and examination at a public meeting, should determine that probable cause exists to believe that a violation of Sections One, Two, or Three of this Ordinance has occurred, the City shall order the person in violation to appear before the Planning Commission and show cause why the City should not suspend issuance of building permits for the affected person (s) and/or property. Appeals to the City Council will be on the record, unless the City Council should grant a party or citizen the right to reopen the public meeting. Appeals must be filed within 10 days with the City Recorder.

2. Refusal to process land use applications.

a) The City of Dunes City is authorized to refuse to process land use applications for any contractor, developer, or land owner and his heirs, devisees, or assigns if the City finds:

1. The contractor, developer or land owner has in the past performed acts which are

presently not in compliance with the Ordinances of the City of Dunes City as duly enacted.

2. The developer, contractor, or land owner has received notice of the violation, and did not, at any time up to the hearing, correct the deficiencies, or reimburse the City for costs, expenses and pay fines incurred by the developer, contractor or land owner in the abatement proceeding.

b) In the event the contractor, developer, or land owner should apply for a building permit, the City Recorder shall refuse such building permit.

c) In the event the applicant feels the rejection is inappropriate, the applicant may appeal that decision to the City Council at any time.


d) In the event the City Recorder, or any agent, official, or officer of the City shall suspect that an applicant for a building permit or land use decision is, in fact, a concealed agent for a developer, contractor or land owner who has performed acts of contravention of the duly enacted Municipal Ordinances of Dunes City, and has refused to rectify those violations, or reimburse the City for costs incurred and fines assessed in abatement proceedings, the official shall immediately notify the Mayor of Dunes City. The Mayor shall appoint two (2) people who shall be drawn one (1) from the City Council and one (1) from the Planning Commission. Those members shall investigate the circumstances of the application, and report to the Mayor within the time set with the Mayor. If the investigation determines probable cause exists to believe the applicant is a concealed agent for an unauthorized contractor, developer or land owner, the Mayor shall order the City Recorder to refuse to issue the permit, and shall order the application placed as an agenda item on the next City Council meeting. The applicant, and all appropriate parties, shall be provided notice of the decision, and a hearing provided for the applicant.

e) If the City Council shall find by a preponderance of the evidence that the applicant is, in fact, a concealed agent, the City Council shall order the building permit denied, and the City shall be entitled to recover costs incurred pursuant to

the hearing, including reasonable attorney fees.

ENACTED BY THE COUNCIL OF THE CITY OF DUNES CITY, OREGON,
this 10 day of December, 1981.

APPROVED BY THE MAYOR OF THE CITY OF DUNES CITY, OREGON,
this 18 day of December, 1981.



Robert Petersdorf, MAYOR

ATTEST:



Betty Stocking, CITY RECORDER