

ORDINANCE NO. 72

AN ORDINANCE REGULATING THE USE OF DUNES CITY STREETS BY HEAVY EQUIPMENT AND LUG VEHICLES, PROHIBITING REPAIR OF CONSTRUCTION AND LOGGING EQUIPMENT ON PUBLIC STREETS, REQUIRING PERMITS TO PERFORM EXCAVATIONS WITHIN THE CITY RIGHT OF WAY, ABOLISHING ORDINANCE NO. 66 AND INCORPORATING THE PROVISIONS THEREOF HEREIN, AND REQUIRING PERMITS TO CONSTRUCT NEW PUBLIC AND PRIVATE ROADWAYS, EASEMENTS, ETC.

WHEREAS, it has come to the attention of the City of Dunes City that numerous problems exist involving the roads in the City, and it is necessary to enact a Road Ordinance dealing with these problems, and

WHEREAS, it has come to the attention of the City that without ordinances controlling the use of roads, the blacktopped and gravel roads of Dunes City will be damaged and/or destroyed, thereby causing the City to incur additional expenses, and

WHEREAS, the City of Dunes City has concluded that by the adoption of the following Ordinance this damage can be mitigated or terminated,

THEREFORE, BE IT RESOLVED that the City of Dunes City does ordain as follows:

SECTION ONE. Use of Heavy Equipment on Paved Streets.

- a) The use of lug equipment on paved or oiled streets is prohibited.
- b) Loading or unloading of lug equipment on paved or oiled streets is prohibited. Such loading or unloading is permitted on gravel streets. Any damage done to the streets, pursuant to said loading or unloading, shall be repaired within five (5) working days. Any damage done to drainage ditches, culverts, etc., along side the streets, shall be corrected within five (5) working days.
- c) When it is necessary for lug equipment to traverse across an oiled or paved street from one side to the other, the operator shall place two wooden planks, and drive the vehicle such that the lugs do not come in contact with an oiled or paved street, or shall take other similar steps to insure the street is adequately protected.

SECTION TWO. Repair and Maintenance of Construction and Logging Equipment.

The repair, servicing, maintenance and other such activities upon construction and logging equipment is prohibited upon all City streets.

SECTION THREE. Excavations within the City Right of Way

- a) Any person contemplating excavation work within a City right of way shall apply for a permit from the City Recorder's office, and shall obtain such a permit prior to the commencement of construction.
- b) The City may take up to fourteen (14) days to process the permit, prior to granting approval.
- c) Any street, surface or adjacent ditches and rights of way disturbed by excavation projects shall be returned to their original condition prior to the completion of the project, or within five (5) working days after work ceases on the project.

SECTION FOUR. Driveway

All driveways in Dunes City shall be constructed or maintained such that they do not form an impediment to natural drainage, have culverts installed therein to service existing ditches, or provide for future ditches which may be installed by the City, such that the driveways do not collect, retain, or back up the flow of surface water and create puddles, marshes, swamps, or any other such similar collection of undesirable water on, upon or near City streets and roads.

SECTION FIVE. Permits Required for Road Construction and Excavation.

- a) Prior to any person commencing any excavation to construct, improve, or repair a road, right of way, public or private, or any other type of excavation work, the owner of the property, sub-contractor, or contractor, shall cause an application for a permit to be made to the City Recorder of Dunes City. The City shall then cause, in a prompt fashion, not to exceed five (5) working days, the Building Inspector to inspect the proposed excavation to insure it is in compliance with State, County and all Municipal regulations, ordinances and statutes.
- b) In the event excavation is contemplated in conjunction with another project that requires a permit, the developer and/or owner shall not be required to apply for an additional permit involving the excavation. However, the Building Inspector will insure that the total project

including excavation, complies with all aspects and requirements of this Road Ordinance, and other applicable State, County and Municipal statutes, ordinances and regulations.

SECTION SIX. Ordinance No. 66 Rescinded

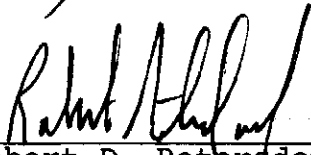
As the essential terms of Ordinance No. 66 have been included in this Ordinance, as a part of the Street Ordinance, Ordinance No. 66 is hereby rescinded and revoked, and shall be without further effect. However, all construction initiated during the existence of Ordinance No. 66 will be required to meet the standards set forth in Ordinance No. 66.

SECTION SEVEN. Enforcement.

In the event a complaint is filed pursuant to this Ordinance, with the City of Dunes City, the City shall direct a member of the Road Committee to inspect the site, and determine whether a violation is occurring. The member should also prepare a list of suggested steps necessary to correct the deficiency. If the inspector reports probable cause to believe a nuisance exists, the City, through its' Road Committee, shall direct the owner to abate the nuisance by taking actions suggested by the inspector. In the event the owner and the Road Committee are unable to agree upon the appropriate remedy, or the owner refuses to attempt to abate the nuisance, the City shall abate the nuisance as provided in Ordinance No. 51 of the of the ordinances of City of Dunes City.


PASSED BY THE COUNCIL OF THE CITY OF DUNES CITY, OREGON,
this 14 day of January, 1982.

APPROVED BY THE MAYOR OF THE CITY OF DUNES CITY, OREGON,
this 20 day of January, 1982.



Robert D. Petersdorf, MAYOR

ATTEST:



Betty Stocking, CITY RECORDER