

ORDINANCE AMENDING ORDINANCE NO. 72

AN ORDINANCE AMENDING ORDINANCE NO. 72 REGULATING THE USE OF CITY STREETS BY HEAVY EQUIPMENT AND LUG VEHICLES, REPAIR OF CONSTRUCTION AND LOGGING EQUIPMENT ON PUBLIC STREETS, REQUIRING PERMITS TO PERFORM EXCAVATIONS WITHIN CITY RIGHT-OF-WAYS.

WHEREAS, it has come to the attention of the city of Dunes City that certain problems continue to exist involving roads in the city, and it is necessary to amend Ordinance 72 to address these problems,

THEREFORE, BE IT RESOLVED THE CITY OF DUNES CITY does ordain as follows:

Section One. Ordinance 72, Section Three is amended as follows:


- d) The responsibility for identifying the city right-of-way and its situation upon a site to be developed shall lie exclusively with the applicant. If there is a dispute between adjacent landowners about the exact location of the right-of-way, the city may require the applicant to obtain a survey acceptable to the city. The city shall have the exclusive and sole right to designate where in the established right-of-way the proposed development shall occur.
- e) The city, by granting a permit to develop an existing right-of-way does not assume responsibility for the correctness of the survey or other method used to identify the existence of the right-of-way.
- f) In the event the applicant should vary from the terms of the permit the rights of the applicant to continue development under the permit may be summarily suspended by the Building Inspector. The applicant may appeal this decision by notifying the Road Committee Chairman. Within twenty-four (24) hours the Road Chairman shall notify the Mayor of the applicant's appeal, or if the Mayor is not available, the councilman designated to act in his behalf. Within five (5) working days of notice of appeal, the city will resolve the appeal by a hearing, at which the applicant shall have the right to appear and offer evidence, and the city shall render written findings of fact and conclusions of law if requested.

Section Two. Section Three, subsection a of Ordinance 72 is amended to read, "Any person contemplating excavation work within a right-of-way dedicated to the public and situated within Dunes City, shall apply for a permit from the City Recorder's office, and shall obtain such a permit prior to the commencement of construction.

Section Three. Enforcement. Subsection Seven of Ordinance 72 is amended to read, "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 or not 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 applicant and contractor to abate the nuisance by taking action suggested by the inspector. In the event the applicant and/or contractor and the Road Committee are unable to agree upon the appropriate remedy, or the applicant and/or the contractor refuse to attempt to abate the nuisance the city shall abate the nuisance as provided in Ordinance No. 51 of the Ordinances of Dunes City. In the event fines or costs are assessed pursuant to Ordinance 51 they shall become a lien against any property owned in Dunes City by the applicant and/or contractor."

PASSED BY THE COUNCIL, this 10 day of November, 1983.

APPROVED BY THE MAYOR, this 10 day of November, 1983.



ROBERT PETERSDORF
MAYOR

ATTEST:



BETTY STOCKING
CITY RECORDER

ORDINANCE No. 82

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