

ORDINANCE NO. 99

AN ORDINANCE AUTHORIZING DENIAL OF 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.

Dunes City ordains as follows:

Section 1. Subdivision Violations. The city of Dunes City may withhold building permits on any unsold lots in a subdivision which the city finds does not comply with:

- (1) Any duly enacted city ordinance.
- (2) Any conditions attached to the order which created the subdivision.

Section 2. Violation by Land Owners. The city of Dunes City may withhold building permits, and refuse to process further applications for land use decisions for any person who owns land in Dunes City if the city finds:

- (1) That the owner has in the past violated city ordinances and has been unwilling to correct the violations.
- (2) That the owner has in the past violated conditions attached to ordinances or orders creating subdivisions or P.U.D.s, or other land use orders, and has been unwilling to correct the violations.

Section 3. Contractors and Developers. The city of Dunes City may refuse to issue building permits or process land use applications for any contractor or developer if the city finds the contractor or developer has in the past:

- (1) Violated city ordinances, and has been unwilling to correct the violations.
- (2) Failed to comply with conditions attached to ordinances or orders creating subdivisions or P.U.D.s, or other land use orders, and has been unwilling to correct the violations.

Section 4. Enforcement.

- (1) Suspending issuance of building permits.

- (a) If the council, following a public hearing determines that probable cause exists to believe that a violation of sections 1, 2, or 3 of this ordinance has occurred, it shall direct the city to send notice to the person suspected of violating this ordinance. The notice shall state that the person may appear before

the planning commission and show cause why the city should not suspend issuance of building permits for the affected persons or property. Appeals to the council will be based on the record, unless the council grants a party or citizen the right to reopen the public hearing. Appeals must be filed within 10 days after notice of the planning commission's action is given.

(b) For the purposes of this section notice shall be considered given if it is mailed by registered or certified mail, return receipt requested, to the last known address of the person to be notified.

(2) Refusal to process land use applications.

(a) The city may refuse to process land use applications of any contractor, developer, or land owner, or his or her heirs, devisees, or assigns, if the city finds the contractor, developer or land owner has in the past violated city ordinances, received notice of the violations, and did not, at any time up to the hearing, correct the deficiencies, or reimburse the city for costs and expenses and pay any fines incurred by the developer, contractor or land owner in the abatement proceeding.

(b) If the contractor, developer, or land owner applies for a building permit, the recorder shall refuse to issue the building permit.

(c) If the applicant feels the rejection is inappropriate, the applicant may appeal the decision to the council at any time.

(d) If the recorder or other city official suspects that the applicant for a building permit or land use decision is, in fact, a concealed agent for a developer, contractor or land owner who has violated city ordinances, and has refused to correct the violations or reimburse the city for cost incurred and fines assessed in abatement proceedings, the official shall immediately notify the mayor. The mayor shall appoint one councilor and one planning commission member to investigate the circumstances of the application and report to the mayor within the time set by the mayor. If the investigation determines probable cause exists to believe the applicant is a concealed agent, the mayor shall order the recorder to refuse to issue the permit and shall order the application placed as an agenda item on the next 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 council finds, by a preponderance of the evidence, that the applicant is a concealed agent, the council may order the permit denied and the city is entitled to recover cost incurred pursuant to the hearing, including reasonable attorney fees.

Section 5. Repeal. Ordinance No. 71, enacted December 10, 1981, is repealed. This repeal does not affect any action taken under the authority of that ordinance prior to the repeal.

Passed by the City Council of Dunes City, Lane County, Oregon, this 11th day of December, 1986, by the following vote:

Aye 6 Nay 0 Absent 1

Approved by the Mayor this 15th day of December, 1986.


JAMES E. BAUMEISTER, Mayor
Dunes City, Oregon

ATTEST:


BETTY STOCKING, City Recorder