

ORDINANCE NO. 177

AN ORDINANCE CONCERNING PENALTIES; MODIFYING SECTION 10.99 OF CHAPTER 10 OF THE CODE OF DUNES CITY.

WHEREAS, the City Council of Dunes City believes that in order to assess penalties that are fair and consistent it is necessary to develop objective standards in applying the penalty calculation factors of Section 10.99(B) of the Dunes City Code.

THE CITY OF DUNES CITY ORDAINS AS FOLLOWS:

**Section 1.** Title I, GENERAL PROVISIONS, of the Dunes City Code of Ordinances, is amended by modifying Section 10.99 of Chapter 10 with the following:

A. Subsection 10.99(A) is modified to read as follows:

(A) *Any person violating any provision of this code for which no other specific penalty is provided shall, upon conviction, be punished by a fine not to exceed \$500 per day, subject to ~~division~~ subsection (B-C) of this section.*

B. A new subsection (B) is added to Section 10.99 that shall read as follows:

(B) *In imposing a penalty authorized by this Chapter, the Council shall consider:*

*(1) The responsible person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;*

*(2) Any prior violations of, or failures to comply with statutes, rules, orders and permits;*

*(3) The gravity and magnitude of the violation;*

*(4) Whether the violation was repeated or continuous;*

*(5) Whether the violation was an inadvertent, negligent or an intentional act;*

*(6) The alleged responsible person's cooperativeness and efforts to correct the violation.*

C. Subsections 10.99(B) and (C) of the Dunes City Code shall become, respectively, Subsections (C) and (D).

**Section 2: Severability.** If any phrase, clause, or part of this Ordinance is found to be invalid by a court of competent jurisdiction, the remaining phrases, clauses, and parts shall remain in full force and effect.

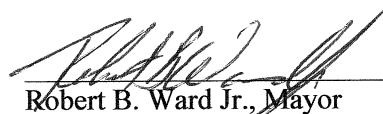
ADOPTED BY THE DUNES CITY COUNCIL THIS 12th DAY OF MAY, 2005.

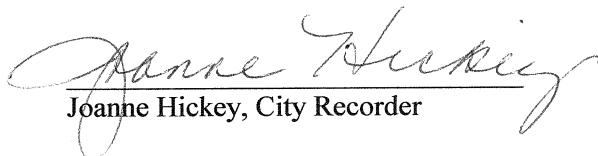
Ayes: 4

Nays: \_\_\_\_\_

Abstain: \_\_\_\_\_

Absent: 2

  
Robert B. Ward Jr., Mayor

  
Joanne Hickey, City Recorder