

ORDINANCE NO. 237

AN ORDINANCE AMENDING CHAPTER 10 OF THE DUNES CITY CODE OF ORDINANCES, ENTITLED "GENERAL PROVISIONS"; CHANGING LANGUAGE OF ORDINANCE ENACTMENT PROVISIONS TO COINCIDE WITH DUNES CITY CHARTER; REPEALING RESOLUTION NO. 5-12-05; REPEALING AND REPLACING THE LANGUAGE OF ORDINANCES NO. 214 AND NO. 215; AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Dunes City Council adopted Ordinance No. 158 on December 12, 1999, which codified Dunes City Code provisions including Chapter 10 of the Dunes City Code entitled "General Provisions"; and

WHEREAS, the Dunes City Council adopted Ordinance No. 214 on July 12, 2012, which amended provisions contained in Chapter 10 of the Dunes City Code relating to miscellaneous general provisions and repealed Section 10.99 relating to penalties; and

WHEREAS, Dunes City Council adopted Ordinance No. 219 on January 10, 2013, regarding Code Violations which repealed Section 10.99 relating to penalties; and

WHEREAS, during its effort to proceed with Codification of the Dunes City Code and incorporation of previously enacted ordinances and resolutions into one cohesive document, Dunes City staff discovered that the language of Section 10.15 conflicts with the provisions of the Dunes City Charter; and

WHEREAS, also discovered by staff was Resolution 5-12-05, adopted by the Dunes City Council on May 12, 2005, which set forth a formula for determining a monetary penalty under the previous language of Section 10.99 that was repealed by Ordinance No. 214 and Ordinance No. 219; and

WHEREAS, Dunes City continues to meet its goal of codification of its ordinances into one cohesive document and that these corrections are necessary to comply with the Dunes City Charter and other Code provisions;

NOW, THEREFORE, THE CITY OF DUNES CITY ORDAINS AS FOLLOWS:

Section 1. Title I, entitled General Provisions, of the Dunes City Code of Ordinances is amended by adding the following:

CHAPTER 10: GENERAL PROVISIONS

Section

- 10.01 Title of Code
- 10.02 Interpretation
- 10.03 Application to future ordinances
- 10.04 Captions
- 10.05 Definitions
- 10.06 Rules of interpretation
- 10.07 Severability
- 10.08 Reference to other sections
- 10.09 Reference to offices
- 10.10 Errors and omissions
- 10.11 Official time
- 10.12 Reasonable time
- 10.13 Ordinances repealed
- 10.14 Ordinances unaffected
- 10.15 Effective date of ordinances
- 10.16 Repeal or modification of ordinances
- 10.17 Ordinances which amend or supplement code
- 10.18 Section histories; Statutory References

Cross-reference

Ordinances, see Charter Chapter VIII

§ 10.01 TITLE OF CODE.

This codification of the ordinances shall be designated as the *Code of Dunes City*, and may be so cited.

§ 10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this Code as those governing the interpretation of state law.

AND or OR. Either conjunction shall include the other only if written “and/or” in the sense where two options may be valid.

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this Code unless otherwise specifically provided.

§ 10.04 CAPTIONS.

Headings and captions used in this Code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.05 DEFINITIONS.

(A) *General Rule.* Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) *Definitions.* For purpose of this Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

CITY, MUNICIPAL CORPORATION, or MUNICIPALITY. The City of Dunes City, Oregon.

CODE, THIS CODE or THIS CODE OF ORDINANCES. This municipal code as modified by amendment, revision, and adoption of new titles, chapters and sections.

COUNTY. Lane County, Oregon.

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**.

OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT. An officer, office, employee, commission, or department of this City unless the context clearly requires otherwise.

PERSON. Extends to and includes person, persons, firm, corporation, co-partnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PRECEDING or FOLLOWING. Next before or next after, respectively.

SHALL. The act referred to is mandatory.

SIGNATURE or SUBSCRIPTION. Includes a mark when the person cannot write.

STATE. The State of Oregon.

SUBCHAPTER. A division of a chapter, designated in this Code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

WRITTEN. Any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed.

§ 10.06 RULES OF INTERPRETATION.

The construction of all ordinances of this City shall be by the following rules, unless such construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance.

(A) **AND** or **OR.** Either conjunction shall include the other as if written “and/or”, if the sense requires it.

(B) *Acts by assistants.* When a statute or ordinances requires an act to be done which, by law, an agent or deputy may do as well as the principal, such requisition shall be satisfied by the performance of such act by an authorized agent or deputy.

(C) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

§ 10.07 SEVERABILITY.

If any provision of this Code as now or later amended or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 10.08 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, re-codified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

§ 10.09 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or

employee of this City exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§ 10.10 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

§ 10.11 OFFICIAL TIME.

The official time, as established by applicable state/federal laws, shall be the official time within this City for transaction of all city business.

§ 10.12 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

§ 10.13 ORDINANCES REPEALED.

This Code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this Code shall be deemed repealed from and after the effective date of this Code.

§ 10.14 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this Code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.15 EFFECTIVE DATE OF ORDINANCES.

All ordinances passed by the legislative body requiring publication shall take effect Thirty (30) days after passage. At the discretion of the City Council, an ordinance may provide a later time for it to take effect. In case of an emergency, an ordinance may take effect immediately.

§ 10.16 REPEAL OR MODIFICATION OF ORDINANCE.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

§ 10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the legislative body shall desire to amend any existing chapter or section of this Code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing Code a new chapter or section shall indicate, with reference to the arrangement of this Code, the proper number of such chapter or section. In addition to such indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§ 10.18 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the Code section, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the Code section. Example: (Ord. 161, passed 5-13-1960; Am. Ord. 170, passed 1-1-1970; Am. Ord. 180, passed 1-1-1980; Am. Ord. 185, passed 1-1-1985).

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example: (O.R.S. 192.410) (Ord. 180, passed 1-17-1980; Am. Ord. 185, passed 1-1-1985).

(2) If a statutory cite is set forth as a "statutory reference" following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

§ 39.01 PUBLIC RECORDS AVAILABLE.

This City shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

For provisions concerning the inspection of public records, see O.R.S., 192.420

§ 10.99 GENERAL PENALTY.

(Repealed by Ord. 214, passed 7-12-2012 and Ord. 219, passed 1-10-2013)

Cross-reference:

For violations of Code or ordinances, see §§ 36.10 et. seq.

Section 2. Repeal

The repeal of Resolution No. 5-12-05 and Ordinance No. 214 shall not affect any action occurring before the repeal takes effect. Resolution No. 5-12-05 and Ordinance No. 214 are hereby repealed.

Section 3. Effective Date

The welfare and best interests of the citizens of Dunes City being at stake, the provisions of this ordinance will become effective immediately upon adoption.

Passed at the first reading in regular meeting of the City Council of Dunes City, Oregon, on this 12th day of May, 2016.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 1 Vacant: 0

Passed at the second reading and placed on final passage, and adopted by the City Council of Dunes City, Oregon, on this 12th day of May, 2016.

Ayes: 5 Nays: 0 Abstain: 0 Absent: 1 Vacant: 0

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

May, 2016.

Rebecca Ruede, Mayor
Rebecca Ruede, Mayor

ATTEST:

Jamie Mills
Jamie Mills, City Recorder/Administrator