## **ORDINANCE NO. 244**

AN ORDINANCE AMENDING TITLE I, CHAPTER 10 OF THE DUNES CITY CODE OR ORDINANCES, ENTITLED "GENERAL PROVISIONS"; AMENDING LANGUAGE REGARDING THE FORM OF ORDINANCES WHICH AMEND OR SUPPLEMENT CODE IN SECTION 10.17.

WHEREAS, the City of Dunes City, through its City Council, is responsible for enacting ordinances for the effective and efficient operation of the City of Dunes City for the benefit of its residents; and

WHEREAS, historically, ordinances amending the City Code provisions were mandated to repeal the entire chapter and replace it with a new chapter that may contain identical terminology with a few minor changes; and

WHEREAS, repealing an entire chapter and replacing it with new language is convenient for keeping Code books up to date with current Code provisions, however, recent court decisions have been entered that means the City is now at risk for challenges of the enforcement of its Code provisions because the code provisions did not officially "exist" because they were repealed, despite the fact that identical provisions are re-adopted; and

WHEREAS, it is imperative for the City to be able to enforce its Code provisions without providing an additional cause for legal challenge; and

WHEREAS, Dunes City desires to correct the Code language to allow amendment to sections of Code without having to repeal the entire chapter.

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

**Section 1.** Title I., Chapter 10, and specifically §10.17(A), of the Dunes City Code of Ordinances shall be amended to read as follows:

## "§10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

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section, or subsection of this Code, the specific chapter, section, or subsection shall be specifically identified and repealed and a new chapter, section, or subsection containing the desired amendment, substituted in its place."

**Section 2. EFFECTIVE DATE.** This Ordinance shall take effect on the 30<sup>th</sup> day after its adoption.

The second reading of this Ordinance was conducted in a regular meeting and adopted by the City Council of Dunes City, Oregon on this _/ / day of, 2017.
Ayes: Nays: Abstain: Absent: Vacant:
ADOPTED BY THE DUNES CITY COUNCIL THIS //th DAY OF May , 2017.
Mebecca Ruede, Mayor  Rebecca Ruede, Mayor
ATTEST:
Jamie Mills, City Recorder