

**ORDINANCE NO. 587**

**CITY OF DAYTON, OREGON**

***Title: AN ORDINANCE ADDING NEW SECTION 4.6--PERMIT REQUIREMENTS TO THE DAYTON MUNICIPAL CODE RELATING TO CONDITIONING BUILDING PERMIT ISSUANCE ON THE PAYMENT OF CERTAIN FEES, TAXES AND OTHER CHARGES.***

**WHEREAS**, the City of Dayton (City) has a variety of fees, taxes and charges which it imposes or which fee, tax or lien the City has obliged itself to ensure timely payment of through the adoption of intergovernmental agreements and the like; and

**WHEREAS**, the City believes it an appropriate public policy to condition issuance of building permits on the payment of certain fees, liens and taxes owed the City or other governmental units and which have some relationship or nexus to the property for which a building permit is being sought or which has issued; and

**WHEREAS**, the Oregon Building Codes Division has informed the City Attorney's Office that the Building Codes Division has no regulatory or other interest in whether the City conditions issuance of building permits on payment of appropriate fees, liens and taxes.

**THEREFORE, THE CITY OF DAYTON ORDAINS AS FOLLOWS:**

**Section 1.** The City Council of the City of Dayton does hereby adopt Section 4.6--Permit Requirements of the Dayton Municipal Code as follows:

**4.6 PERMIT REQUIREMENTS**

**4.6.1 Conditions for Issuance.**

In addition to the requirements found elsewhere in this Code and imposed in the Oregon Building Code for the issuance of a building permit, no such permit shall be valid unless:

- (a) domestic water supply, sanitary sewer and storm water facilities are installed and approved of by the City Engineer or Public Works Director for service to the premises for which the permit is sought; and
- (b) street improvements, street lighting, required sidewalks, if any have been installed and approved by the City Engineer and according to the City's Standards and Specifications; or, in the alternative, the applicant has agreed in writing to provide the City with an improvements guarantee along with sufficient monetary

assurances (in form, manner and amount approved of by the City Attorney, City Manager and City Engineer) sufficient to cover the costs associated with the design, construction and maintenance of those improvements.

**4.6.2 Payment Conditions.**

In addition to the conditions noted above in subsection 4.6.1 of this section, the City's Building Official and/or City Manager have the authority to condition issuance of (or revoke or stop work under) any building permit required by any of the specialty codes comprising the State Building Code to demand proof of payment of all appropriate building permit fees as well as proof of payment of any or all of the following fees, liens and taxes:

- (a) payment of business license taxes imposed under the terms of Chapter 3 of this Code on any contractor or subcontractor working on a structure in the City;
- (b) payment of all System Development Charges that may be due as a result of the building activity requiring the permit; payment of any outstanding nuisance or other liens levied on the property for which the building permit is issued; and
- (c) payment of the Construction Excise Tax imposed by the Dayton School District.

**Section 2. Severability.**

The provisions of this ordinance are severable. If any portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

**Section 3. This Ordinance is effective 30 days after adoption.**

**PASSED AND ADOPTED** by the City Council of the City of Dayton on this 12<sup>th</sup> day of May, 2008.

**Mode of Enactment:**

Date of first reading \_\_\_\_\_ In full \_\_\_ By title only \_\_\_

Date of second reading \_\_\_\_\_ In full \_\_\_ By title only \_\_\_

No council member present at the meeting requested that the ordinance be read in full.

  X   A copy of the ordinance was provided for each council member; three copies were provided for public inspection in the office of the city recorder not later than one week before the first reading of the ordinance; and notice of the availability of copies is given by written posting at the city hall and two other public places in the city or by advertisement in a newspaper of general circulation in the city.

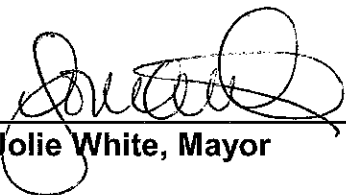
**Final Vote:**

**In Favor:**       Evers, Hensley, Webb, White      

**Opposed:**       None      

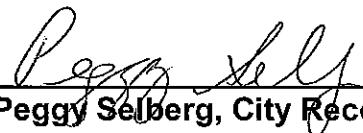
**Abstained:**       None      

**Absent:**       Blackburn, Dickson, Hutchins      

  
\_\_\_\_\_  
Jolie White, Mayor

      5/15/08        
Date of Signing

**ATTEST:**

  
\_\_\_\_\_  
Peggy Selberg, City Recorder

      May 12 2008        
Date of Enactment

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