

## ARTICLE 52

# Administration and Enforcement

### **SECTION 3.52.000 Administration**

It shall be the duty of the Director, or the Director's designee, to enforce the provisions of this ordinance pertaining to property use and to the construction, erection, location or enlargement of any structure located within Douglas County, Oregon, under the jurisdiction of this ordinance.

### **SECTION 3.52.025 Building Permits**

No permit shall be issued by the Building Official or any government agency for the construction, erection, location, maintenance, repair, alteration or enlargement, or the change of use of a structure or property that does not conform to the requirements of this ordinance. However, unreviewed land divisions which are over 20 years old may be eligible for a building permit consistent with current zoning requirements.

The Director or Building Official may deny a request for development if a geotechnical report discloses that the entire parcel is subject to a rapidly moving landslide or that the subject lot or parcel does not contain sufficient buildable area that is not subject to a rapidly moving landslide.

### **SECTION 3.52.050 Authority**

Whenever necessary to enforce the provisions of this ordinance, the Director, or the Director's designee, shall have the authority in addition to other remedies provided by law, to issue warning notices and citations, to institute injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin or abate a violation.

### **SECTION 3.52.075 Limitations on Refiling**

No application for an Administrative Action which has been denied wholly or in part shall be resubmitted for a period of twelve (12) months from the effective date of such denial.

### **SECTION 3.52.100 Violation of Ordinance**

No person shall construct, erect, locate, maintain, repair, alter, enlarge, use or change the use or uses of any structure or property, or shall allow such, or shall transfer any property, in violation of this ordinance. A violation of a condition imposed as a consequence of an approval of a conditional use, or other condition imposed by the Approving Authority, shall be a violation of this ordinance.

**SECTION 3.52.110 Violation of Ordinance as a Nuisance**

The construction, erection, location, maintenance, repair, alteration, enlargement or use or change in use or uses of any structure or property or transfer of any property in violation of this ordinance or those conditions and limitations approved pursuant to the provisions of this ordinance shall be deemed a nuisance and may be enjoined, abated or removed.

**SECTION 3.52.125 Jurisdiction**

The Circuit Court for the State of Oregon for the County of Douglas has jurisdiction over any and all violations of this ordinance.

**SECTION 3.52.150 Issuance of Warnings**

The Director, or the Director's designee, may issue a warning notice of a violation of this ordinance. Warning notices shall give a brief description of the violation, the name of the Planning Department and employee to contact regarding the violation, the name of the person issuing the warning notice, the date the warning was issued, and a statement that failure to correct the alleged violation or to contact the Planning Department may result in issuance of a citation to the Circuit Court or District Court of the State of Oregon for the County of Douglas, Oregon. The warning notice shall be served upon the person accused of the violation.

**SECTION 3.52.425 Violation Proceedings**

1. The Director is delegated the authority to designate, from time to time, specific employees of the Planning Department that are authorized to issue citations for the commission of violations of this ordinance. The employees so designated shall be deemed to be "enforcement officers," within the meaning of ORS 153.005 to 153.145.
2. Violations of this ordinance shall be deemed to be "violations," within the meaning of ORS 153.008. Violations of this ordinance are punishable by fines as established by the State Court Administrator for unclassified violations.
3. The sentence to pay a fine for a violation committed by a corporation shall be in an amount twice the fine established for a violation by an individual.
4. Violation proceedings shall follow the process set forth in ORS 153.005 to 153.145.

**SECTION 3.52.426 Remedies Not Exclusive**

None of the remedies available to the County as set forth in this ordinance are exclusive. Nothing in this ordinance shall preclude any remedy otherwise available to the County, either in law or equity.

**SECTION 3.52.450 Revocation of Development Approval**

1. Development approval granted by Douglas County pursuant to applicable provisions of this ordinance may be revoked by the Director if:
  - a. It is determined that the approval was granted on account of false statements contained in the application form or false representations made at a public hearing; or
  - b. The applicant or grantee fails to comply with those conditions or limitations placed upon the granting of the approval; or
  - c. The Approving Authority erred in granting the approval; or
  - d. The grantee has been convicted of, or otherwise determined by a court to have engaged in, a violation of any provision of this ordinance.
2. Revocation of a development approval shall be accompanied by notice to the violator that the approval is being revoked, stating the reason for the revocation. A written appeal may be filed with the Director and fee paid not later than ten days following the date the notice of revocation was sent.
3. Revocation of a development approval is an enforcement decision of the Director and may be appealed to the Planning Commission, pursuant to §2.060.4 of this Ordinance. The Planning Commission hearing, on appeal, shall be de novo limited to the issues raised in the Director's Revocation and the appellants Notice of Review. When revocation is in response to a failure to comply with conditions of approval, other individuals or agencies who were qualified as parties in the approval being revoked shall also receive notice of the revocation but are not entitled to appeal the revocation. The appeal hearing shall be conducted under the general guidance of §2.300 of this Ordinance. Subsequent hearing for review by the Board shall be held under the provisions of §2.700.
4. In its decision, the approving authority may either affirm or reverse the Director's revocation.