

Chapter 1.3 - Enforcement

Sections:

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1.3.100 Provisions of this Code Declared to be Minimum Requirements

- A. **Minimum requirements intended.** In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare
- B. **Most restrictive requirements apply.** When the requirements of this Code vary from other provisions of this Code or with other applicable standards, the most restrictive or that imposing the highest standard shall govern.

1.3.200 Violation of Code Prohibited

No person shall erect, construct, alter, maintain or use any building or structure or shall use, divide or transfer any land in violation of this Code or any amendment thereto.

1.3.300 Penalty

- A. **Class D Violations.** A violation of this Code shall constitute a Class D violation as defined in Chapter 153 of the Oregon Revised Statutes or as hereafter amended and the fine for such a violation shall be set forth in Chapter 153 of the Oregon Revised Statutes for a Class D violation as presently defined or as hereafter amended.
- B. **Each violation a separate infraction.** Each violation of a separate provision of this Code shall constitute a separate infraction, and each day that a violation of this Code is committed or permitted to continue shall constitute a separate infraction.
- C. **Abatement of violation required.** A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the City.
- D. **Responsible party.** If a provision of this Code is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

1.3.400 Complaints Regarding Violations

- A. **Filing written complaint.** Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a signed, written complaint.
- B. **File complaint with City Manager.** Such complaints, stating fully the causes and basis thereof, shall be filed with the City Manager. The City Manager or his/her designee shall properly record such complaints, investigate and take action thereon as provided by this Code.

1.3.500 Inspection and Right of Entry

[customize this section, as necessary, with assistance of the City attorney]

1.3.600 Abatement of Violations

Any development or use which occurs contrary to the provisions of this Code or contrary to any permit or approval issued or granted under this Code is unlawful, and may be abated by appropriate proceedings.

1.3.700 Stop-Order Hearing

- A. **Stop order issued.** Whenever any work is being done in violation of the provisions of the Code or a condition of any permit or other approval granted pursuant hereto, the City Manager or his/her designee may order the work stopped by notice in writing served on persons engaged in doing such work or causing such work to be done. All work under the permit or approval shall cease until it is authorized to continue.
- B. **Stop order hearing.** The City Manager shall schedule a hearing if requested on the stop order for the earliest practicable date, but not more than 30 days after the effectiveness of any required notice. At the discretion of the City Manager such hearing shall be either of the following:
1. Part of a hearing on revocation of the underlying development approval; or
 2. Solely to determine whether a violation has occurred. The City Manager shall hold this hearing and shall make written findings as to the violation within 30 days of issuing the stop-work order. Upon a finding of no violation, the Planning Commission shall require the issuance of a resume work order. Upon finding a violation, the stop order shall continue to be effective until the violating party furnishes sufficient proof to the Planning Commission that the violation has been abated. The Planning Commission decision is subject to review under Chapter 4.1.500 - Type III (Public Hearing) Procedure.