

**ARTICLE 1.3. ENFORCEMENT**

**SECTION 1.3.100. Administration.** It shall be the duty of the Planning Director or his authorized representative to enforce the provisions of this Ordinance pertaining to zoning, land use, the construction, erection, location or enlargement of any structure and land divisions within Coos County under the jurisdiction of this Ordinance.

**SECTION 1.3.200. Building Site Permits.**

- A. No permit or verification letter shall be issued by the building official or the County Planning Department for the construction, erection, location, enlargement, or the change of the use of a building, structure, or lot that does not conform to the requirements of this Ordinance, unless otherwise permitted by this Ordinance.
- B. A permit or verification letter may be issued (subject to A above) even though the permit or verification letter is based on a decision of the Planning Director, Hearings Body or Board of Commissioners. If the decision upon which the verification letter is based is reversed on appeal, the verification letter shall be revoked without further action. The applicant therefore shall recognize and consent to the fact that any improvements made on the property to which the verification letter applies are made at the applicant's own risk, and shall agree that no attempt will be made to hold Coos County responsible in the event that removal of such improvements become necessary due to the revocation of the verification letter or permits.

**SECTION 1.3.250. Applications to Correct Violations.**

- 1. When a violation of this Ordinance is found by the Planning Director to exist for a given ownership of land, and when a discretionary application may be submitted by the owner of the subject property in order to correct the violation, said owner may submit an application to correct the violation but may submit no other application to allow development or use of the subject property until the violation is corrected. Applications submitted to correct violations shall submit the "late filing fees" set forth at Section 1.3.825 of this Ordinance.
- 2. Submission of an application to correct a violation does not relieve a landowner from complying with the requirements of this Ordinance, and does not preclude enforcement actions otherwise authorized by this Ordinance. [OR-92-07-012PL]

3. Where application is made for approval of the creation of lots or parcels which were improperly formed without approval required by this Ordinance, said application may be considered to allow the lawful creation of said lots or parcels notwithstanding that less than all the owners of the subject property have applied or otherwise granted consent to submit the application. [OR-93-12-017PL 2/23/94]

**SECTION 1.3.300. Revocation.**

- A. Any permit or verification letter (also referred to as zoning compliance letter or zoning clearance letter) may be subject to revocation by the Planning Director if it is determined the application included false information, or if the standards or conditions governing the approval have not been met or maintained.
- B. The revocation of any permit or verification letter by the Planning Director shall be subject to the following:
  1. The Planning Director shall mail the property owner a written statement of the proposed revocation at least 30 days prior to the date of revocation. The notice shall contain a detailed statement identifying the specific reason(s) for revocation. The notice shall advise the property owner of the opportunity to respond to the Planning Director's statement in writing within 15 days from the date the notice is mailed by explaining or refuting the reason(s).
  2. In the event the property owner submits a written explanation to the notice, the Planning Director shall thereupon give careful consideration to the response in conjunction with other relevant evidence, including other written comments received in response to landowner or agency notice, to determine whether revocation should occur.
  3. At the conclusion of the Director's review, the Director shall enter findings of the decision and mail notice of the decision regarding revocation to the property owner and other parties to the action. The notice shall explain basic appeal rights.
  4. No revocation shall be final until the appeal period for the decision to revoke has expired without appeal.
- C. The Director's decision regarding the revocation of a permit or verification letter may be appealed pursuant to the procedures contained in Article 5.8 governing the appeal of administrative decisions. In the event of an appeal, any revocation shall be automatically stayed pending review.

**SECTION 1.3.400. (RESERVED)**

**SECTION 1.3.500. (RESERVED)**

**SECTION 1.3.600. (RESERVED)**

**SECTION 1.3.700. RESERVED (OR 08-11-012PL 3/9/09)**

**SECTION 1.3.750. RESERVED (OR 08-11-012PL 3/9/09)**

**SECTION 1.3.800. Violation of Ordinance.** A violation of this Ordinance may, at the discretion of the County, be rectified in either of the following ways:

1. The construction, erection, location, enlargement, or use, or change in use or uses of any structure or 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 as provided by ORS 215.185; or
2. Upon conviction as provided by ORS 203.065:
  - a. a fine or not more than \$100 for each day of violation where the offense is a continuing offense but such fine may not exceed \$1,000.
  - b. A fine of not more than \$500 where the offense is not a continuing offense.

**SECTION 1.3.825. Late Application Fee.** In lieu of, or in addition to the penalty set forth in Section 1.3.800, when a violation of this Ordinance exists and a permit or verification letter is required in order to correct the violation or continuing violation the following late application fees shall apply:

1. If within 30 days of the County's written notice to the owner of the property on which a violation exists, the property owner or his/her agent voluntarily attempts to correct the violation by application for any and all necessary permits or approvals the following late application fee shall apply:
  - a. zoning clearance letter.....double fee
  - b. all other County applications.....double fee

Late application fees, or portions thereof, may be waived by the Board of Commissioners. The payment of such double fee shall not relieve any person

from complying with the requirements of this Ordinance, nor from any penalties prescribed. (Eff. 7/1/91)

**SECTION 1.3.900. Fees.**

1. For the purpose of partially defraying expenses involved in processing permits, land divisions and other applications and zoning authorizations, the Planning Department shall collect fees as established by the Board of Commissioners.
2. All fees are non-refundable except in cases when the processing was terminated prior to the incurring of any substantial administrative expenses. Refunds shall be made at the direction of the Board of Commissioners.
3. At the time of filing a partition or subdivision plat with the County Clerk, the applicant shall pay the plat checking fee of the County Surveyor (if applicable) as provided in ORS 92.100 or by the Board of Commissioners and the plat filing fee as provided in ORS 205.350.
4. No fees shall be required for applications submitted by local municipalities and local taxing bodies supported by local property taxes when the application relates to an action on property owned by the municipality or local taxing body. [OR-92-07-012PL]
5. Fees, or portions thereof, may be waived by the Board of Commissioners. (Eff. 7/1/91)

**SECTION 1.3.950. RESERVED (OR 08-11-012PL 3/9/09)**

**SECTION 1.3.975. RESERVED (OR 08-11-012PL 3/9/09)**

**SECTION 1.3.980. RESERVED (OR 08-11-012PL 3/9/09)**

**SECTION 1.3.985. Failure to produce a Planning Commission Quorum.** If in the event the Planning Commission or Hearings Body fails to produce a quorum for a zoning and land development hearing, the Planning Director shall have the authority to appoint the Planning Commissioners present as special Hearings Officers to hear the zoning and land development requests. All procedural requirements of this Ordinance shall be applicable to the hearings.

If in the event there are no Planning Commissioners present, the Planning Director shall have the authority to continue any scheduled hearing to a future specific time, place and date without additional written or published notice.