

CHAPTER XX.92
VIOLATIONS AND ENFORCEMENT

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Commented [GS1]: Nathan advised that we can't do this. I didn't get an explanation from him, perhaps we can review this with Dolly.

xx.92.010 Violations Declared Unlawful. Violations of, or failure to comply with the provisions of this Title are declared to be unlawful.

xx.92.020 Civil Penalty. In addition to any other penalty or remedy provided by this Chapter or by law, civil penalties in accordance with the County fee schedule and ordinances may be imposed upon any person, firm or corporation who violates the provisions of this Title. The civil penalty shall occur from the date set for correction until violation is corrected. The civil penalty is a personal obligation of the person or persons to whom the Notice of Violation is directed. The County Attorney, on behalf of the County, is authorized to collect the civil penalty by use of appropriate legal remedies, the seeking or grant of which shall neither stay nor terminate the accrual of additional civil penalties, as long as the violation continues.

xx.92.030 Remedies and Penalties for Continuing Violations. An imposition of one penalty for any violation shall not excuse the violation or permit it to continue. Any person, firm or corporation shall be required to correct such violation or defects.

- A. In addition to the civil proceedings authorized to enforce this Title and in addition to any fine or penalty provided, continuing violations of this Title may be enjoined or ordered abated in civil proceedings for injunction, abatement or other relief. For those actions, violation of this Title is declared to be a public nuisance.
- B. Any person, firm or corporation violating any of the provisions of this Title shall be liable in any private or public action brought to enforce the provisions of this Title for all costs of proceedings, expenses of abatement and for reasonable attorney fees. These expenses are cumulative and in addition to any penalties or other remedies available.

xx.92.040 Persons Liable. The owner, lessee or tenant of any building, structure, premises or part thereof, and the architect, builder, contractor, employee agent or other person who commits, authorizes, participates in, assists in, or who maintains after notice, a violation

of this Title may be held jointly liable in any civil action brought to enforce the provisions of this Title.

xx.92.050 Enforcement Duty and Authority. The Community Development Director and/or his/her designee is authorized and directed to enforce the provisions of this Title. The County shall, either upon complaint or initiative, investigate potential violations of this Title. It shall be the duty of all the County officers to assist in the performance of this duty. It shall be the duty on the County Sheriff and all officers charged with the enforcement of the law to assist in the enforcement of this Title and its provisions. Contractors found working without a permit shall be fined an amount equal to the owner's fine.

xx.92.060 Right of Entry. Whenever necessary to make an inspection, to enforce any of the provisions of this Title, or whenever the County has reasonable cause to believe that a violation of this Title exists or is occurring on any property or within any building, authorized County personnel may enter onto such property or within any building at any time, to inspect the same or to perform any duty imposed by this Title; provided, that before entering into any dwelling or any area of the building not otherwise open to the public, proper credentials shall be presented to the owner or person in possession or occupation of said property and request entry. If such entry is refused, the County shall have recourse to every remedy provided by law to secure entry.

xx.92.070 Corrective Actions. Whenever necessary to implement corrective actions the following procedure is to be followed:

- A. Letter of Inquiry. If the County determines that any activity, condition, structure or use exists that does not conform to the provisions of this Title, a Letter of Inquiry may be issued. A Letter of Inquiry will be sent to the party requesting information relating to the applicable required permits for the action. The letter will specify the date required for response to the Letter of Inquiry. Failure to respond to the Letter of Inquiry within 15 days may result in additional corrective actions.
- B. Notice of Violation/ Order to Correct. If the County determines that any activity, condition, structure or use exists that does not conform to the provisions of this Title, a Notice of Violation or Order to Correct will be issued. The notice shall be directed to the owner of the property and/or to such other persons as are causing or contributing to such violation and must be responded to with 15 days. The Notice of Violation or Order to Correct shall be served upon the person or persons to whom it is directed either personally in the manner provided for by personal service to summons and complaint or by mailing a copy of the notice of violation by certified mail, postage prepaid, return receipt requested, to such person(s) at his/her last known address. Proof of personal service shall be made at the time of service by a written declaration under penalty of perjury executed by the person making service, declaring the time, date, and manner by which the service was made. For

good cause shown, the County may extend the date set for correction of the Notice of Violation or Order to Correct. This action is subject to possible fees and/or fines.

C. Stop Work Orders. The Community Development Director or his/her designee(s) may issue an order to stop work and collect fines for any activity being conducted or any improvement being erected or altered which does not conform to this Title.

1. The Stop Work Order shall be prominently placed on the subject property and reasonable attempts to forward a copy of the order to the owner of the property, the person in charge of the property or occupant thereof, or the person causing the activity to be established or conducted will be made.
2. When any order to Stop Work has been posted on the subject property, it is unlawful for any person with active or constructive knowledge of the order to conduct the activity or do the work covered by the order until the County has removed the posted copy of the order and issued a written authorization for the activity or work to be continued. The County will mail notice of the Stop Work order to the owner of record and will require response within 15 days.
3. If work continues under a Stop Work Order or the party fails to take appropriate steps as required and within the time frames specified by the Stop Work Order then the case will be turned over to the County Prosecuting Attorney for prosecution.
4. The issuance of an order to stop activity may be appealed to the Board of County Commissioners but such order shall remain in full force and effect during the appeal process unless the County issues an interim or final order staying or lifting the Stop Work Order. When considering the ~~appeal~~appeal, the duty of the Commissioners is to determine whether the County Staff correctly interpreted and applied the ordinance when issuing the stop work order.

~~xx.92.080 Title Notice. Whenever directed by the Board of County Commissioners, a Title~~

~~Notice shall be placed upon the violator's property where the violation took place and shall be recorded in the County Auditor's office. Upon correction of the violation and payment of the applicable fines and fees, the Community Development Department will issue a notice extinguishing the Title Notice.~~

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