

# DRAFT

## **Chapter 140 ENFORCEMENT**

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### **140.01 Purpose.**

The purpose of this chapter is to explain the procedure for enforcing this Ordinance and notifying parties of violations, and the continuing applicability of prior violation notices.

### **140.02 Abatement and Penalty.**

Violation of any provision of this Ordinance or of any Amendment of this Ordinance is enforceable under either of the following options at the discretion of Baker County.

- A. Enforcement through civil proceedings under provisions of local Ordinance enforcement which shall provide for a fine of not more than \$500 per violation. Every day in which the location, erection, maintenance, repair, alteration or use of a building or structure or the subdivision, partitioning, or other use of land, is in violation of this Ordinance constitutes a separate violation.
- B. Enforcement through statutory authority under ORS 215.185 or ORS 215.190: Penalty under statutory enforcement shall be determined by the appropriate statutory authority.

### **140.03 Notice of Violation.**

Notice of a violation of a provision of this Ordinance shall be in the form of a certified, return-receipt letter from the County, or hand delivered by the Baker County Sheriff's office. Such letter shall identify the property upon which the violation is located, and shall include a description of the violation and an explanation of the

action necessary to gain compliance with the Ordinance. This letter shall be delivered to the last known owner of record of the subject parcel according to the tax account information of the Baker County Assessor.

The owner shall be given 10 days from the date of receipt of the notice to contact Baker County concerning remedy of the infraction. If there is no such contact, violation will commence on the 11th day after the receipt of notification. If contact is made within the 10 day period after receipt of notification, the Planning Director may establish a date for remedy of the infraction. If the infraction is not remedied by the date established, violation will commence on the following day.

### **140.04 Repeal of Ordinances as Affecting Existing Liabilities.**

The repeal of any Ordinance by this Ordinance shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under an Ordinance repealed by this Ordinance unless a provision of this Ordinance shall so expressly provide; and such Ordinance repealed shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability, and for the purpose of a person who violated the repealed Ordinance or a part thereof prior to the effective date of this Ordinance.