

PASSED

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 4-04

IN THE MATTER OF AMENDING CHAPTERS 10 AND 16 OF LANE CODE TO ADD PROVISIONS PERTAINING TO UNAUTHORIZED WORK WITHOUT A PERMIT AND DOUBLE PERMIT FEES (LC 10.900-16; 16.262)

The Board of County Commissioners of Lane County ordains as follows:

Chapter 6 of Lane Code is hereby amended by removing, substituting and adding new sections as follows:

REMOVE THESE SECTIONS

INSERT THESE SECTIONS

NONE

10.900-16
as located on pages 10-523
(a total of 1 page)

16.262
as located on pages 16-453 through 16-454
(a total of 2 pages)

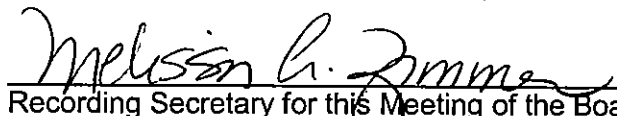
16.262
as located on pages 16-454 through 16-455
(a total of 2 pages)

Said sections are attached hereto and incorporated herein by reference. The purpose of these substitutions and additions is to add provisions pertaining to unauthorized work without a permit and double permit fees (LC 10.900-16; 16.262).

ENACTED this 23RD day of November 2004.



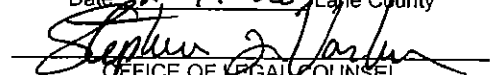
Chair, Lane County Board of Commissioners



Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 12-19-2003 Lane County



OFFICE OF LEGAL COUNSEL

(2) All fees are nonrefundable except in cases when the processing of an application was terminated prior to the incurring of any substantial administrative expenses. Refunds shall be made for the amount of the fee remaining after the subtraction of processing expenses incurred by the Department. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 9-75, 7.2.75; 11-80; 7.24.80; 16-83; 9.14.83)*

ENFORCEMENT REQUIREMENTS

10.900-05 Title, Purpose, and Applicability.

The provisions of this section shall be known as the Enforcement Requirements. The purpose of these requirements is to ensure compliance with the zoning requirements. These provisions shall apply to the enforcement of the zoning requirements, but shall not be deemed exclusive. *(Revised by Ordinance No. 15-72, Effective 9.8.72)*

10.900-10 Official Action.

All officials, Departments, and employees of Lane County vested with authority to issue permits, certificates, or licenses, shall adhere to and require conformance with the zoning requirements. *(Revised by Ordinance No. 15-72, Effective 9.8.72)*

10.900-15 Inspection and Right of Entry.

Whenever they shall have cause to suspect any failure to comply with any provision of the zoning requirements, or when necessary to investigation of an application for or revocation of any zoning approval under any of the procedures prescribed in this chapter, officials responsible for enforcement or administration of this chapter, or their duly authorized representatives, may enter on any site or into any structure for the purpose of investigation, provided they shall do so in a reasonable manner. No secured building shall be entered without the consent of the owner or occupant unless under authority of a lawful warrant. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 1-00, 4.12.00)*

10.900-16 Unauthorized Work.

If the Director discovers any person doing or causing to be done any work without the permit required by this chapter, the Director shall notify the person to cease the act or acts, and such person shall cease such acts until a permit is secured, and shall pay for such permit twice the amount of the fee otherwise required.

**ENFORCEMENT REQUIREMENTS
RURAL COMPREHENSIVE PLAN**

16.262 Enforcement Requirements.

(1) Title, Purpose and Applicability. The provisions of this section shall be known as the Enforcement Requirements. The purpose of these requirements is to ensure compliance with the zoning requirements. These provisions shall apply to the enforcement of the zoning requirements, but shall not be deemed exclusive.

(2) Official Action. All officials, Departments and employees of Lane County vested with authority to issue permits, certificates or licenses, shall adhere to and require conformance with the zoning requirements.

(3) Inspection and Right of Entry. Whenever they shall have cause to suspect a violation of any provision of the zoning requirements, or when necessary to investigation of an application for or revocation of any zoning approval under any of the procedures prescribed in this chapter, officials responsible for enforcement or administration of this chapter, or their duly authorized representatives, may enter on any site or into any structure for the purpose of investigation; provided they shall do so in a reasonable manner. No secured building shall be entered without the consent of the owner or occupant, unless under authority of a lawful warrant.

(4) Unauthorized Work. If the Director discovers any person doing or causing to be done any work without the permit required by this chapter, the Director shall notify the person to cease the act or acts, and such person shall cease such acts until a permit is secured, and shall pay for such permit twice the amount of the fee otherwise required.

(5) Stop Work Orders. Whenever any work is being done contrary to provisions of this chapter or an approved Special Use application or other discretionary permit issued pursuant to the requirements of any of the sections of this chapter, or the Director has probable cause to believe that any other provision of the Lane Code is being violated in connection with the project of which the work being performed is a part, the Director may order the work stopped by notice in writing, posted on the project, or served on any person engaged in the doing or causing of such work to be done. Upon the posting or service of notice, all persons engaged in doing or causing the work to be done shall immediately stop such work until authorized by the Director to proceed.

(6) Abatement. Any use which is established, operated, erected, moved, altered, enlarged, painted or maintained contrary to the zoning requirements shall be, and is hereby declared to be, unlawful and a public nuisance and may be abated as such.

(7) Enforcement Official. It shall be the duty of the Director of the Lane County Land Management Division, or said Director's duly authorized representative, to enforce the provisions of this chapter pertaining to land use and to the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings or structures in the County. The enactment of this chapter shall not invalidate any prior existing or future prosecutions for violation of the zoning requirements committed under previous applicable County ordinances then in effect.

(8) Legal Proceedings by District Attorney. In addition to the enforcement provisions of this chapter, upon request of the Building Official, the District Attorney or County Counsel may institute any additional proceedings, including, but not limited to, seeking injunctive relief to enforce the provisions of this chapter.

(9) Enforcement by Department of Public Safety. The Director of the Department of Public Safety, or said Director's authorized representatives, shall have the power, upon request of the Building Official, District Attorney or County Counsel, to assist in the enforcement of the provisions of this chapter.

(10) Remedies Cumulative. It is the intent of this chapter that the remedies provided be cumulative and not mutually exclusive. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 1-93, 4.16.93)*

||At right margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted
10.900-05 Lane Code

**LEGISLATIVE
FORMAT**
10.900-16

(2) All fees are nonrefundable except in cases when the processing of an application was terminated prior to the incurring of any substantial administrative expenses. Refunds shall be made for the amount of the fee remaining after the subtraction of processing expenses incurred by the Department. *(Revised by Ordinance No. 15-72, Effective 9.8.72; 9-75, 7.2.75; 11-80; 7.24.80; 16-83; 9.14.83)*

ENFORCEMENT REQUIREMENTS

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10.900-16 Unauthorized Work.

If the Director discovers any person doing or causing to be done any work without the permit required by this chapter, the Director shall notify the person to cease the act or acts, and such person shall cease such acts until a permit is secured, and shall pay for such permit twice the amount of the fee otherwise required.

(i) A single living unit shall be considered to be a single-family dwelling, a mobile or one living unit with kitchen facilities and designed for the occupancy of one family, but sharing a common foundation, walls and roof with one or more other units in a duplex or multiple-family dwelling.

(ii) The ultimate number of living units permitted in a cluster subdivision shall be determined by multiplying the number of lots permitted for dwellings or mobile homes by:

(aa) Two, if the zone permits duplexes;

or

(bb) One, if only single-family dwelling or mobile homes are permitted by the zone.

(iii) A cluster subdivision lot shall be limited to one of the following living units:

(aa) A mobile home.

(bb) A single-family dwelling.

(cc) A two-family dwelling or duplex.

(dd) A multiple-family dwelling.

(c) Setbacks and Lot Coverage.

(i) Except for the setback requirements of the zone for the exterior boundaries of the cluster subdivision, the setback and lot coverage requirements of the zone shall not apply.

(ii) Where cluster subdivision lots intended for dwellings or mobile homes abut a zone which does not permit a cluster subdivision, a special building setback may be established for one or more lots. Special building setback requirements shall be established only for the purposes of reducing potential conflicts relating to fire, traffic, noise or similar human-made or natural hazards, nuisances and for protection of natural resources and open space. The special building setback requirement may consist of, but is not limited to, the setback requirements of the abutting zone which does not permit cluster subdivisions.

(5) Application and Additional Requirements. Cluster subdivisions shall be processed in the same manner and conform to the applicable provisions, standards and procedures as required for subdivisions as provided in LC Chapter 13. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

AUTHORITY TO CHARGE FEES RURAL COMPREHENSIVE PLAN

16.261 Authority to Charge Fees.

(1) The Department shall have the authority to charge fees for the purposes of defraying expenses involved in processing applications required by this chapter.

(2) All fees are nonrefundable, except in cases when the processing of an application was terminated prior to the incurring of any substantial administrative expenses. Refunds shall be made for the amount of the fee remaining after the subtraction of processing expenses incurred by the Department. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

ENFORCEMENT REQUIREMENTS RURAL COMPREHENSIVE PLAN

16.262 Enforcement Requirements.

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(45) Stop Work Orders. Whenever any work is being done contrary to provisions of this chapter or an approved Special Use application or other discretionary permit issued pursuant to the requirements of any of the sections of this chapter, or the Director has probable cause to believe that any other provision of the Lane Code is being violated in connection with the project of which the work being performed is a part, the Director may order the work stopped by notice in writing, posted on the project, or served on any person engaged in the doing or causing of such work to be done. Upon the posting or service of notice, all persons engaged in doing or causing the work to be done shall immediately stop such work until authorized by the Director to proceed.

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(78) Legal Proceedings by District Attorney. In addition to the enforcement provisions of this chapter, upon request of the Building Official, the District Attorney or County Counsel may institute any additional proceedings, including, but not limited to, seeking injunctive relief to enforce the provisions of this chapter.

(89) Enforcement by Department of Public Safety. The Director of the Department of Public Safety, or said Director's authorized representatives, shall have the power, upon request of the Building Official, District Attorney or County Counsel, to assist in the enforcement of the provisions of this chapter.

(910) Remedies Cumulative. It is the intent of this chapter that the remedies provided be cumulative and not mutually exclusive. (*Revised by Ordinance No. 7-87, Effective 6.17.87; 1-93, 4.16.93*)