

Chapter 1.5 — Enforcement

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1.5.100 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.

1.5.200 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.

1.5.300 Revocations of Approvals

The Director may, in writing, suspend or revoke any permit or approval granted under the provisions of this Code whenever the permit or approval is granted in error on the basis of incorrect information supplied, or whenever the holder of the permit or approval violates the provisions of either this Code or the Cottage Grove Municipal Code.

1.5.400 Enforcement

Upon request from the Director, the City Attorney shall institute any necessary legal proceedings to enforce the provisions of this Code.

Enforcement of this Code shall be through the applicable procedures for abatement and civil infractions established in the Cottage Grove Municipal Code. The enforcement remedies available under this Code or the Municipal Code are not exclusive and do not preclude the City from using any other remedies available by law.

1.5.500 Penalty

- A. Class 1 penalty.** A violation of this Code shall constitute an unclassified misdemeanor. Convictions are punishable with a fine not to exceed \$500.00, or by imprisonment for a period not to exceed 30 days, or both per infraction.
- B. Each violation a separate infraction.** Each violation of a separate provision of this Code shall constitute a separate infraction. Each day that a violation of this Code is committed or permitted to continue shall constitute a separate infraction.
- C. Abatement of violation required.** Any use which is established, operated, erected, moved, altered, or maintained contrary to the regulations of this Code is unlawful and a public nuisance and may be abated as such. 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 any other remedies available to the City. The City has the authority to abate a violation and charge the property owner for such abatement.
- D. Responsible party.** If a provision of this Code is violated by a firm or corporation, the officer or officers, and/or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

1.5.600 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.** Complaints, stating fully the causes and basis thereof, shall be filed with the City Manager. The City Manager shall record complaints, investigate and take action thereon as provided by this Code.

1.5.700 Inspection and Right of Entry

Whenever the Director or designee reasonably believes a violation of any provision of this Code has occurred, or whenever necessary to investigate an application for or revocation of any approval made under this Code, the Director or designee may enter on any site in a reasonable manner.

1.5.800 Abatement of Violations

Any development or use that 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.

1.5.900 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 Community Development Director will 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 or being performed without required permits or approvals shall cease until it is authorized in writing by the city to continue.
- B. Appeal opportunity.** A person or organization that has been served a stop work order may appeal the decision by submitting a letter to the City Manager requesting a hearing with the City Council. The City Council shall hold this hearing within 60 days of the receipt of the letter, and make a determination as to the violation.
- C. Stop order hearing.** The City Manager may schedule a City Council hearing on the stop order. At the discretion of the City Manager, such hearing may be:
1. Part of a hearing on revocation of the underlying development approval; or
 2. Solely to determine whether a violation has occurred.

The City Council shall hold this hearing and shall make a determination as to the violation. Upon finding a violation, the stop-order shall continue to be effective until the violating party furnishes sufficient proof to the City Manager that the violation has been abated.