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## **CHAPTER 15 ADMINISTRATION AND ENFORCEMENT**

### **SECTION 15.010 Administration**

It shall be the duty of the Director, or the Director's designee, to enforce the provisions of this ordinance pertaining to property use and to the construction, erection, location or enlargement of any structure located within the National Scenic Area portion of Wasco County, Oregon, under the jurisdiction of this Ordinance.

### **SECTION 15.020 Zoning Approval**

- A. The Director, the Director's designee or other Approving Authority shall not give zoning approval on any development or use of land, including land divisions and property line adjustments on a property that is not in full compliance with all applicable provisions of this ordinance, regardless of whether the applicant(s) or current owner(s) created the violation.
- B. Zoning approval may be authorized if:
  - 1. It results in the property coming into full compliance with all applicable provisions of the Wasco County Land Use and Development Ordinance. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or
  - 2. It is necessary to protect public safety; or
  - 3. It is for work related to and within a valid easement over, on or under an affected property.
- C. For the purpose of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

### **SECTION 15.030 Authority**

Whenever necessary to enforce the provisions of this Ordinance, the Director, or the Director's designee, shall have the authority in addition to other remedies provided by law, to issue compliance notices and orders, assess penalties, record violations and liens with the County Clerk, issue citations, to institute injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin or abate a violation.

### **SECTION 15.040 Civil Relief**

When a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used, or any land is, or is proposed to be, used in violation of this Ordinance, the County Board of Commissioners, the District Attorney or any person whose interest in real property within the County is or may be affected by the violation, may, in addition to other remedies provided by law, institute injunction,

mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or remove the unlawful location, construction, maintenance, repair, alteration or use. When a temporary restraining order is granted in a suit instituted by a person who is not exempt from furnishing bonds or undertakings as provided under ORS 32.010 to 32.060, the person shall furnish undertakings as provided under O.R.S. 32.010 to 32.060.

**SECTION 15.050 Violation of Ordinance**

No person shall construct, erect, locate, maintain, repair, alter, enlarge, use or change the use or uses of any structure or property or shall transfer any property in violation of this Ordinance.

**SECTION 15.060 Violation of Ordinance as a Nuisance**

The construction, erection, location, maintenance, repair, alteration, enlargement or use or change in use or uses of any structure or property or transfer of any 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.

**SECTION 15.070 Wasco County Code Compliance and Nuisance Abatement Ordinance**

The Wasco County Code Compliance and Nuisance Ordinance is a separate County Board of Commissioners adopted ordinance that implements land use, nuisance and health violations. Please refer to that ordinance for further details related to enforcement of the provisions of the Wasco County National Scenic Area Land Use and Development Ordinance.

