

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 22-01-25 -04

IN THE MATTER OF AMENDING LANE MANUAL
CHAPTER 5 TO UPDATE ADMINISTRATIVE
ENFORCEMENT AND PENALTIES
(LM 5.005.005, LM 5.005.015 – 5.005.030)
EFFECTIVE ON EFFECTIVE DATE OF
ORDINANCE 22-02

WHEREAS, the Board of Commissioners has authority to amend Lane Manual per Lane County Home Rule Charter Sections 20 and 22 through 26; and

WHEREAS, the County desires to update Administrative Enforcement procedures and penalties;

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS** as follows:

Upon the effective date of Ordinance No. 22-02, Lane Manual Chapter 5 is amended by removing, substituting and adding the following sections:

REMOVE THESE SECTIONS

5.005.005
5.005.015 – 5.005.030

INSERT THESE SECTIONS

5.005.005
5.005.015 – 5.005.030

If any section, subsection, sentence, clause, phrase or portion of this Order or the referenced Lane Manual provisions are for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion is deemed a separate, distinct, and independent provision, and such holding does not affect the validity of the remaining portions.

Said sections are attached hereto and incorporated herein by reference. The purpose of these additions is to adopt Lane Manual provisions to implement the limited duration position types under the unclassified and classified services portion of the Lane County Home Rule Charter.

ADOPTED this 25th day of January, 2022.



Pat Farr, Chair
Lane County Board of Commissioners

At left margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted

**LEGISLATIVE
FORMAT**

Lane Manual

Chapter 5 - ADMINISTRATIVE ENFORCEMENT 1

 5.005 – Administrative Enforcement and Penalties 1

 5.005.005 - Definitions..... 1

 5.005.010 - Coordination of Compliance and Permitting. 1

 5.005.015 - Administrative Civil Penalty. 1

 5.005.020 - Determination of Monetary Penalty. 2

 5.005.025 - Appeal Procedure. 4

 5.005.030 - Compliance Certification. 5

At left margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted

**LEGISLATIVE
 FORMAT**

Lane Manual

Chapter 5 - ADMINISTRATIVE ENFORCEMENT

5.005 – Administrative Enforcement and Penalties

5.005.005 - Definitions.

For purposes of these regulations, the following words and phrases mean:

“Case Involving Commercial Gain” means ~~as defined by LC 5.005~~ **any compliance case where the failure to comply involves a property or structure being used for commercial or industrial purposes, or where the failure to comply involves an activity that generates revenue or income.**

“Enforcement officer” means the person authorized by the Director or designee to enforce particular provisions of the Lane Code under which administrative enforcement is authorized.

“Regulations” means these regulations, and rules or regulations promulgated pursuant to sections of the Lane Code ~~which that~~ authorize imposition of an administrative civil penalty.

“Repeat or repetitive failure to comply” means a failure to comply which is similar to another failure to comply by the responsible person within the preceding ~~two~~ **five** years.

“Responsible person” means as defined by LC 5.025.005.

(Order 00-4-25-14, 4.25.00; Order 07-9-12-14, 9.12.07)

5.005.010 - Coordination of Compliance and Permitting.

Upon receipt of a land-use application or other permit application, Land Management Division staff shall review the document and determine if there are any compliance actions pending as to the subject property. If pending compliance actions are found, Land Management Division staff shall refer the application to Compliance Program staff.

(Order 10-10-5-2, 11.26.2010)

5.005.015 - Administrative Civil Penalty.

A. Any notice of failure to comply authorized by LC Chapter 5 shall:

1. Be in writing, signed by the Director **or their designee**;
2. Include those matters set forth in LC 5.017(6);
3. Specify the amount of the monetary penalty imposed;
4. State the starting date of the penalty. If applicable, state that each day the violation continues to exist is a separate failure to comply for which the monetary penalty will be assessed. The penalty assessments will continue daily until the corrections are made;
5. State that the responsible person receiving the notice of failure to comply has the right to appeal to a hearings ~~officer~~ **official no later than 10 calendar days from receipt of** ~~within thirteen days after~~ the notice of failure to comply ~~is served on the responsible person.~~