

Title 21 Chapter 15 Sensitive Area Overlay Zone is amended by adding Section 7 "Violations, Enforcement and Penalties" as follows:

CHAPTER 21-15. SENSITIVE AREA OVERLAY ZONE

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Sec. 21-15-7. Violations, Enforcement and Penalties.

- (a) *Violations.* It shall be a violation for any person to:
 - (1) Perform any construction, grading, filling, clearing or land disturbance in the Sensitive Area Overlay without first obtaining required City approvals, or
 - (2) Fail to comply with the provisions of this Chapter.
- (b) *Stop-Work Order and Citation.* Upon a determination that a violation exists, the Director, or designee shall issue a citation and stop-work order, such that no further work shall be performed or approved, until otherwise authorized by the Community Development Department. Stop-work orders take effect immediately upon issuance.
- (c) *Unlawful Continuance.* Any person who continues any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to enforcement including additional fines and penalties as prescribed by local or state law.
- (d) *Enforcement.*
 - (1) Enforcement may be done criminally, civilly, or administratively pursuant to Title 1 Chapter 4 of this Code.
 - (2) Upon a determination that a violation exists, the Director, or designee, shall contact the property owner in writing to issue an administrative citation pursuant to Title 1 Chapter 4 of this Code. Within the time stated in the citation, the responsible party shall submit an application to the Community Development Department in accordance with this Chapter to remove, mitigate, restore, or otherwise cure the violation.
 - (3) Remediation that requires alteration of hillsides containing 30 percent or greater slope may only be authorized by the Planning Commission upon recommendation of the Director and City Engineer.
- (e) *Fines.* Violations of this Chapter shall result in administrative fines pursuant to Table 1 shown below. Base fines shall be assessed for the initial violation and daily fines shall accrue in accordance with Title 1 Chapter 4 of this Code. The following periods of time shall not be assessed a daily fine:
 - (1) The number of days under City review and processing of a complete permit application.
 - (2) Seasonal conditions such as snow, excessive moisture, or environmental factors that would prevent the physical remediation of the violation, as determined by the Director, or designee.

	Base Fine	Daily Fine (additional to base fine)
Minor Violation – Encroachment less than 250 square feet of affected area	\$1,000	\$10
Intermediate Violation – Encroachment between 250 square feet and 1,000 square feet of affected area	\$3,000	\$18
Major Violation – Encroachment greater than 1,000 square feet of affected area	\$5,000	\$25

(f) *Abatement of Daily Fines for Correction and Payment.* The base fine shall not be forgiven or abated. The total daily fine amount may be partially abated after the violation is cured and inspected and approved by the City.

- (1) The Director, or designee, may reduce the total daily fine amount for promptly curing the violation pursuant to the following schedule:

	Length of Time to Cure	Reduction to Total Daily Fine Amount
Minor and Intermediate Violations	30 Days	100%
	60 Days	75%
	120 Days	50%
	180 Days	25%
	Over 180 days	0%
Major Violation	90 Days	75%
	180 Days	50%
	365 Days	25%
	Over 365 Days	0%

(g) *Final Assessment.* The final assessment of the daily fine will be determined by the Director, or designee, and issued to the responsible party upon the earlier of the following to occur:

- (1) final approval of the corrective work by the City; or
(2) expiration of the time for correction as set forth in the citation.

(h) *Payment and Collection.* The City will give written notice to the responsible party of each assessed fine. Payment must be made within 30 days. Thereafter the City will take all lawful action to collect the assessed amount.

(i) *Appeal.* A person may request an administrative hearing pursuant to Title 1 Chapter 4 of this Code.