

Planning and Zoning Violation Appeal Outline

Non-Specific

SGC 22.30.180

1. Staff presents case for violation – assembly may ask questions
2. Complainant presents case – assembly may ask questions
3. Any public comment
4. Staff presents rebuttal if necessary – questions may be asked by assembly
5. Applicant presents rebuttal if necessary – questions may be asked by assembly
6. Close evidentiary hearing – Deliberate and consider penalties if violation found (see b. below).
7. Findings
 - a. State findings, to wit, whether or not appellant has violated SGC 20.16.015 by using the property in a way not consistent with the zoned area in ways that are detrimental to the health, safety and welfare of the neighborhood.
 - b. If appellant is found in violation – Determine a non-punitive fine taking into consideration the factors in SGC 22.30.290 A. 1, 2 & 3. See below.
 - c. Final step: Inform complainant that they can ask for Reconsideration, in writing, within 14 days of oral announcement of decision.

22.30.290 Civil action for violation—Damages.

A. A person who violates or causes or permits to be violated a provision of this title or a regulation, a lawful order of the department, or a permit, approval or term or condition of a permit or approval issued under this title is liable, in a civil action, to the municipality for a sum to be assessed by the court of not less than twenty-five dollars nor more than one thousand dollars for the initial violation, nor more than five hundred dollars for each day thereafter on which the violation continues; or in the case of operating without an appropriate notice, permit, or for violations which are related to public health, safety and welfare, or cause substantial adverse effects on the environment, not less than five hundred dollars nor more than five thousand dollars for the initial violation nor more than two thousand dollars for each day thereafter on which the violation continues and which, in either case, shall reflect, when applicable:

1. Reasonable compensation in the nature of liquidated damages for any adverse public health, safety, welfare or environmental effects caused by the violation, which shall be determined by the court according to the sensitivity of the receiving property, neighborhood or environment and the degree to which the violation degrades existing neighborhood environmental quality;

2. Reasonable costs incurred by the municipality in detection, investigation and attempted correction of the violations; and

3. The economic savings realized by the person in not complying with the requirement for which a violation is charged.

B. Actions under this section may not be used for punitive purposes, and sums assessed by the court must be compensatory and remedial in nature.

C. The court, upon motion of the department or upon its own motion, may defer assessment of all or part of that portion of the sum imposed upon a person under this section conditioned upon the person complying, within the shortest feasible time, with the requirement for which a violation is shown.

D. As used in this section, "economic savings" means that sum which a person would be required to expend for the planning, acquisition, siting, construction, installation and operation of the facilities necessary to effect compliance with the standard violated.

(Ord. 02-1683 § 4 (part), 2002.)