

NOTICE TO ABATE

Date: 4/14/2023

TO: St. Timothy's Episcopal Church c/o Bernie Lindley
401 Fir Street
Brookings, OR 97415

Pursuant to Ordinance No. 06-O-572 of the Brookings Municipal Code, a violation exists at the following location(s) which are indicated to be in your ownership or control or you are the person causing the violation:

Street Address: 401 Fir Street	Map Number and Tax Lot: 41-13-05BC Tax Lot 7300
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The nature of the violation is as follows:

BROOKINGS MUNICIPAL CODE (BMC)

17.01.040 Compliance with code provisions.

No buildings or other structures shall be constructed, improved, or altered, enlarged or moved, nor shall any use or occupancy of premises within the city be commenced or changed, nor shall any condition of or upon real property be caused or maintained, after the effective date of this code except in conformity with conditions prescribed for each of the several zones established hereunder. It shall be unlawful for any person, firm or corporation to erect, construct, establish, move into, alter, enlarge or use, or cause to be used, any building, structure, improvement or use of premises located in any zone described in this code contrary to the provisions of this code. Where this code imposes greater restrictions than those imposed or required by other rules or regulations or ordinances, the provisions of this code shall control. This code shall apply to all actions which have not reached the following steps:

- A. Site review: final approval by city staff or the planning commission;*
- B. Partitioning and subdivision: approval of preliminary (tentative) plat;*
- C. Planned unit developments: final approval by the planning commission;*
- D. Signs: final permit approval;*
- E. Variances and conditional use permits: approval by the planning commission;*
- F. Zone change: ordinance enactment. [Ord. 89-O-446 § 1.]*

St. Timothy's Church, located at 401 Fir Street, Brookings, OR 97415, is operating a Benevolent Meal Service without a conditional use permit in addition to a variety of other social services, including an outreach clinic, a day program and an advocacy program in violation of 17.01.040 Compliance with code provisions in the Brookings Municipal Code (BMC).

17.160.020 Violations.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this code and any use of any land, building or premises established, conducted, operated or maintained contrary to provisions of this code shall be and the same is hereby declared a violation and a public nuisance. These public nuisances may be abated and removed pursuant to BMC 8.15.090, General abatement procedure. It is provided, however, nothing in this section requires the city to exhaust these administrative remedies prior to seeking equitable relief or damages in circuit court. [Ord. 07-O-584 § 2; Ord. 89-O-446 § 1.]

1.05.010 General penalty.

A. Violations. Every offense is a violation which may be punished by a fine up to \$720.00; provided, that where Oregon statutes impose a lesser penalty for the same offense, then the lesser penalty shall apply. Each day or part of a day for which a violation is committed or persists is a separate offense.

B. Administrative Enforcement. Where a chapter of this code provides that enforcement shall be through an administrative process, the provisions for administrative procedures shall apply rather than this section.

C. Equitable and Other Remedies Preserved. Nothing in this section prohibits the city seeking equitable relief or damages in addition to judicial or administrative enforcement of its ordinances. [Ord. 09-O-644 § 2; Ord. 07-O-592 § 2; Ord. 06-O-572 § 2.]

You are hereby directed to abate this violation by applying for a Conditional Use Permit within ten (10) days from the date of receipt of this notice. Failure to abate the violation may warrant issuance of a citation and imposition of a civil penalty of up to \$720.00. Each day's violation constitutes a separate offense. In addition, the City may abate the violation and the cost of the abatement will be charged to you.

You may dispute the existence of a violation and request a hearing by giving a written statement to the City Manager at 898 Elk Drive, Brookings, OR 97415 within ten (10) days from the date of receipt of this notice.

An error in the name or address of the person responsible shall not make this notice void, and in such case the posted notice shall be considered to be sufficient notice.

If you have any questions, please call 541-469-1159.



**Anthony Baron,
Public Work & Development Services Director**