

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Filing a Lien against)
George Bainbridge in the Columbia County) ORDER NO. 54-2016
Lien Records for Failure to Pay Civil Penalties)

WHEREAS, in accordance with Section 23 of the Columbia County Enforcement Ordinance (Ordinance No. 90-7, *as amended*, hereinafter the "Enforcement Ordinance"), Columbia County Land Development Services Director Todd Dugdale issued Final Order No. 2016-001, which is attached hereto and incorporated herein by this reference, imposing a civil penalty in the amount of One Thousand Six Hundred and Sixty-Seven Dollars (\$1,667.00) against George Bainbridge for a building code violation; and

WHEREAS, notice of the determination and imposition of the civil penalties was mailed to George Bainbridge on May 19, 2016, by certified mail; and

WHEREAS, George Bainbridge has neither paid the civil penalties nor petitioned for judicial review in the Columbia County Circuit Court; and

WHEREAS, pursuant to ORS 30.460 and Section 23(D) of the Enforcement Ordinance, the County may record the civil penalties imposed under the Enforcement Ordinance in the Columbia County Lien Record if such penalties are not paid within 60 days after mailing of the determination and imposition of the civil penalties; and

WHEREAS, more than 60 days have passed since the mailing of the final order, and the civil penalties remain unpaid;

NOW, THEREFORE, it is hereby ordered as follows:

1. The lien shall be against George Bainbridge in the amount of One Thousand Six Hundred Sixty-Seven Dollars (\$1,667.00).
2. This Order shall be recorded in the Columbia County Lien Records, without cost.
3. County Counsel's office is authorized to enforce the lien pursuant to ORS 205.125 and ORS 205.126.

DATED this 14th day of September, 2016.

Approved as to Form:

By: [Signature]
Office of the County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Anthony Hyde, Chair

By: [Signature]
Henry Heimuller, Commissioner

By: [Signature]
Earl Fisher, Commissioner

COLUMBIA COUNTY, OREGON 2016-008031
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BEFORE THE DEPARTMENT OF LAND DEVELOPMENT SERVICES

FOR COLUMBIA COUNTY, OREGON

In the Matter of the Building Code Violations)
by George Bainbridge on Property Located at)
61393 Robinette Road, St. Helens, Columbia)
County, Oregon, Tax Parcel No. 5130-000-02402) FINAL ORDER NO. 2016-001

A. SUMMARY

On March 10, 2016, George Bainbridge was issued Notice of Violation for the following Building Code violation at 61393 Robinette Road, St. Helens, Columbia County, Oregon, Tax Parcel No. 5130-000-02402:

Violation of the Oregon Residential Specialty Code, Section R105.1, "Permit Required," for constructing an addition onto an existing mobile home without first obtaining a building permit.

George Bainbridge neither appealed the Notice of Violation nor corrected the violation and paid the assessed penalty by the end of the appeal period.

B. FINDINGS OF FACT

1. The Columbia County Assessor's Office records lists George Bainbridge as the legal and responsible owner of the property located at 61393 Robinette Road, St. Helens, Columbia County, Oregon, Tax Parcel No. 5130-000-02402.
2. The Oregon Residential Specialty Code, Section R105.1, "Permit Required" states, "Any owner or an authorized agent who intends to construct, enlarge, alter, repair, move or change the occupancy of a building or structure, or erect, install, enlarge, alter, repair, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit."
3. On March 25, 2010, the Code Enforcement Officer, observed a stick built habitable addition to an existing mobile home of approximately 196 square feet in size requiring a permit being built on the subject property. A habitable addition of any size requires a building permit per Oregon Residential Specialty Code, Section R105.1, "Permit Required". He determined that no permits were posted on the property nor record of any permits were on file at the County for the addition.
4. On April 6, 2010, the Code Enforcement Officer issued a Notice of Violation

advising George Bainbridge that full compliance must be made by April 26, 2010.

5. On April 9, 2013, the Code Enforcement Officer issued a second Notice of Violation to assess a civil penalty and provide opportunity to appeal the assessment.
6. On March 10, 2016, the Code Enforcement Officer issued a third Notice of Violation to assess a civil penalty and provide an opportunity to appeal the assessment within 14 days of the date of the notice. As of the date of said notice, no permits have been issued to correct the violations and no appeal has been filed within the time allowed.

C. CONCLUSIONS

1. George Bainbridge has performed the work described above without a permit in violation of the Oregon Residential Specialty Code, Section R105.1, "Permit Required".
2. Notice of the violation and an opportunity to appeal was provided in accordance with the Columbia County Enforcement Ordinance (Ordinance No. 90-7, as amended).
3. Pursuant to Section 24 of the Enforcement Ordinance, a fine of up to \$5,000 may be assessed for a single building code violation or up \$1,000 per day for each continuing violation. Columbia County Board of Commissioners' Order No. 42-2014 establishes a schedule of fines for building code violations. Under Order No. 42-2014, the fine for a first offense is \$1,667. Based on the reasons described above, and because this violation is a first offense, the Director has determined that the appropriate sanction here is a civil penalty of \$1,667.

D. DECISION

Based on the findings and conclusions set forth above and in the record in this case, the Director of Land Development Services, as hearings officer, hereby orders:

1. Penalties be assessed for the following building code violations, as follows:

A civil penalty in the amount of \$1,667 for violation of the Oregon Residential Specialty Code, Section R105.1, "Permit Required". Payment of the fine does not relieve George Bainbridge of the requirement to correct the violation(s), and the County may seek other remedies as allowed by law to enforce its regulations.
2. Pursuant to ORS 30.460, penalties shall be paid within 60 days of the date of this order. After 60 days, the County may file and record this Order for payment of unpaid penalties in the Columbia County Clerk Lien Record.

E. APPEAL RIGHTS

County Ordinance 92-15, as amended, provides that the Director's written decision is final. The decision may be appealed to Circuit Court as provided in ORS 34.010 to 34.012.

Dated this 18th day of May, 2016

By: Todd Dugdale
Todd Dugdale
Director of Land Development Services

U.S. Postal Service
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Todd/LDS

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Sent To George Bainbridge
Street, Apt. No.,
or PO Box No. 61393 Robinette Rd
City, State, ZIP+4 St. Helens, OR 97051