

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Filing a Lien for Unpaid Civil Penalties
by George Bainbridge for a Continuing Building Code
Violation at 61393 Robinette Road, near St. Helens,
Oregon (Tax Map ID. 5130-000-02402)

ORDER NO. 2-2018

WHEREAS, in accordance with Section 23 of the Columbia County Enforcement Ordinance (Ordinance No. 90-7, *as amended*, hereinafter the "Enforcement Ordinance"), the County Land Development Services Director issued Final Order No. 2017-002, attached hereto and incorporated herein by this reference, imposing a civil penalty in the amount of Ninety-Five Thousand, Five Hundred Seventy-One Dollars (\$95,571.00) against George Bainbridge for a continuing building code violation at 61393 Robinette Road, near St. Helens, Oregon (Tax Map ID. 5130-000-02402); and

WHEREAS, notice of the final order and the civil penalties imposed was mailed to George Bainbridge on March 11, 2016; and

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

WHEREAS, under 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 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 unpaid penalty in the amount of Ninety-Five Thousand, Five Hundred Seventy-One Dollars (\$95,571.00) for a continuing building code violation shall be assessed against the property located at 61393 Robinette Road, near St. Helens, Oregon (Tax Map ID. 5130-000-02402).
2. A lien of \$95,571.00 shall be entered in the docket of the Columbia County Lien Records, and shall constitute a first lien upon the property except as to taxes.
3. The lien may be satisfied partially or in full by payment to Columbia County Land Development Services, 230 Strand Street, Room 105, St. Helens, Oregon 97051.
4. The assessment may be collected by any means legally available to the County.

5. This Order shall be recorded without cost.

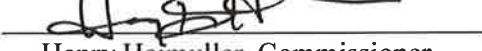
DATED this 24th day of January, 2018.

Approved as to form

By: 
Office of County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Margaret Magruder, Chair

By: 
Henry Heimuller, Commissioner

By: 
Alex Tardif, Commissioner

BEFORE THE DEPARTMENT OF LAND DEVELOPMENT SERVICES

FOR COLUMBIA COUNTY, OREGON

In the Matter of the Building Code Violations)	certified # 7016 1370 0000 0253 4391
by George Bainbridge on Property Located at)	FINAL ORDER NO. 2017-002
61393 Robinette Road, St. Helens, Columbia)	
County, Oregon, Tax Parcel No. 5130-000-02402)	

A. SUMMARY

On March 16, 2017, 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 was filed within the time allowed.
7. On September 14, 2016, Order No. 54-2016, Lien for Failure to Pay Civil Penalties was recorded with the Columbia County Clerk in the amount of \$1,667.00.
8. On March 16, 2017, the Code Enforcement Officer issued a fourth 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 this 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. However, Ordinance No. 2016-8 incorporates a schedule of fines for building code violations for First Offense, Second Offense and Third or more offenses. The schedule provides for a penalty for a first offense of 1/3 of the maximum fine of \$333 each day for continuing violations. The Notice of Violation assessed a fine for your continuing violation of \$95,571 calculated for the period May 18, 2016 through February 28, 2017 at \$333 per day.

D. DECISION

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

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

A civil penalty in the amount of \$95, 571 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.

Dated this 10th day of MAY, 2017

By: Todd Dugdale
Todd Dugdale
Director of Land Development Services