

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Filing a Lien for Unpaid Civil Penalties by William and Cindy Meriwether for a Continuing Building Code Violation at 50337 Satler Road, near Scappoose, Oregon (Tax Map ID. 3223-000-01300)

ORDER NO. 3-2018

WHEREAS, pursuant to 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. 2017-001, 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 William and Cindy Meriwether for a continuing building code violation at 50337 Satler Road, near Scappoose, Oregon (Tax Map ID. 3223-000-01300); and

WHEREAS, notice of the final order and the civil penalties imposed was mailed to William and Cindy Meriwether on March 21, 2016; and

WHEREAS, William and Cindy 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 50337 Satler Road, near Scappoose, Oregon (Tax Map ID. 3223-000-01300).
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.

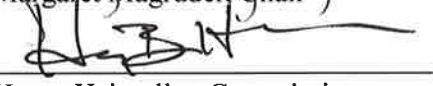
DATED this 24th day of January, 2018.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: 
Office of County Counsel

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)
by William and Cindy Meriwether on Property) FINAL ORDER NO. 2017-001
Located at 50337 Satler Road, Scappoose,)
Columbia County, Oregon, Tax Map ID)
Number 3223-000-01300.)

A. SUMMARY

On March 10, 2016, William and Cindy Meriwether were issued a Notice of Violation by certified mail 7008 3230 0000 8687 4640 for the following Building Code violations at 50337 Satler Road, Scappoose, Columbia County, Oregon, Tax Map ID Number 3223-000-01300 and assessed a fine of \$1,667 for the violations:

William Meriwether built upon the subject property an addition to his 1950's home; an addition that requires a building permit under the 2008 Oregon Residential Specialty Code, Section R105.1, "Permit Required". No building or electrical permits were obtained for the addition.

William and Cindy Meriwether neither appealed the Notice of Violation nor corrected the violations and paid the assessed penalty by the end of the appeal period.

A personal check, #105, in the amount of the assessed fine of \$1,667.00 was received for a single first violation on July 15, 2016. However, the violation has not been remedied by obtaining the required permits

B. FINDINGS OF FACT

1. William and Cindy Meriwether are the legal and responsible owners of the above referenced property according to the Columbia County Assessor's records.
2. William Meriwether built upon the subject property an addition of approximately 1060 square feet in size to his 1950's home. A habitable addition of any size to a dwelling requires a building permit per the 2008 Oregon Residential Specialty Code, Section R105.1, "Permit Required".
3. On June 19, 2001, responding to a complaint from the Columbia County Assessor's Office that no permits were on file for a recent habitable addition to a primary dwelling and a new garage/shop building on the subject property, the Code Enforcement Officer

visited the site and spoke to your son who was asked to have you contact him. You contacted the Code Enforcement Officer and he reviewed the building violations with you. You later applied for and received a building permit for the garage/shop building and final approval for the construction.

The Code Enforcement Officer sent several certified mailings requesting that all required building, plumbing and electrical permits be obtained and meet all applicable land use requirements for the addition. On June 24, 2011, a County Planner mailed William and Cindy Meriwether a letter fully explaining what needed to be done in order for the addition to come into compliance.

William and Cindy Meriwether did not respond and failed to apply for or obtain the required building permits for the habitable addition to the dwelling. On March 27, 2013, the Code Enforcement Officer issued a Notice of Violation to assess a civil penalty and provide opportunity for a hearing.

4. On March 10, 2016, William and Cindy Meriwether were issued a Notice of Violation by certified mail 7008 3230 0000 8687 4640 for not obtaining permits for the addition at 50337 Satler Road, Scappoose, Columbia County, Oregon, Tax Map ID Number 3223-000-01300, assessed a fine of \$1,667 violation and advised of the opportunity to appeal within 14 days of the notice. An appeal was not filed within the prescribed time nor has a permit been obtained for the addition. A personal check, #105, in the amount of the assessed fine of \$1,667.00 was received for a single first violation on July 15, 2016. However, the violation has not been remedied by obtaining the required permits
5. On February 28, 2017, William and Cindy Meriwether were issued a Notice of Violation by certified mail 7016 1370 0000 0253 3950 for not obtaining permits for the addition at 50337 Satler Road, Scappoose, Columbia County, Oregon, Tax Map ID Number 3223-000-01300, assessed a fine of \$95,571 for the violation and advised of the opportunity to appeal within 14 days of the notice. An appeal was not filed within the prescribed time nor has a permit been obtained for the addition.

C. CONCLUSIONS

1. William and Cindy Meriwether have performed the work described above without a permit in violation of the Building Code.
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. Ordinance 2016-8 incorporates the schedule of fines for building code violations for first, second, third or more offenses. The fine, based on the schedule of fines for a first offense was calculated for May 18, 2016 through February 28, 2017 at \$333.00 per day. A fine of \$95,571 was assessed for the above listed violations.

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 William and Cindy Meriwether 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 21st day of March, 2017.

By: Todd Dugdale
Todd Dugdale
Director of Land Development Services