# BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending the Columbia County Enforcement Ordinance Incorporating Position and Personnel Changes and Making General Housekeeping Amendments	) ) )	Ordinance No. 2011 – 4
	. )	

The Board of County Commissioners for Columbia County, Oregon, ordains as follows:

## SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2011 - 4.

# SECTION 2. AUTHORITY.

This Ordinance is adopted pursuant to ORS 203.035 and Ordinance No. 92 - 15.

#### SECTION 3. PURPOSE.

The purpose of this Ordinance is to amend the Columbia County Enforcement Ordinance to make general housekeeping amendments and to incorporate position and personnel changes.

#### SECTION 4. AMENDMENT.

The Board of County Commissioners hereby amends the Columbia County Enforcement Ordinance as shown in Exhibits A and B, which are attached hereto and incorporated herein by this reference.

Nothing in this section shall be deemed to invalidate any action taken under the Columbia County Enforcement Ordinance prior to the effective date of this Ordinance.

#### SECTION 5. SEVERABILITY.

The provisions of this Ordinance are severable. If any provision of this Ordinance is determined to be invalid by a court of competent jurisdiction, such provision shall be considered a separate, distinct and independent provision and the decision shall not effect the validity of the remaining portions hereof.

# SECTION 6. SCRIVENER'S ERRORS.

A scrivener's error in any portion of this Ordinance or its attachments may be corrected by order of the Board of County Commissioners.

# SECTION 7. EMERGENCY.

This ordinance being immediately necessary to maintain the public health, safety and welfare, an emergency is declared to exist and this Ordinance shall take effect immediately upon adoption.

DATED this Asua of December, 2011.

Approved as to form  By:	BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON By:
Attest:  By: Muchald  Jan Greenhalgh, Recording Secretary	By:  Henry Heimuller, Commissioner

First Reading: Second Reading: Effective Date:

#### **EXHIBIT A**

The Columbia County Enforcement Ordinance is amended as follows:

#### SECTION 4. AUTHORITY.

This Ordinance is adopted generally under the authority granted to counties under ORS 203.035. The enforcement of County ordinances is authorized and governed generally by ORS 30.310, 30.315, as amended by Oregon Laws 1989, Chapter 882), 203.310, 203.145 and 203.810. Violation procedures and the issuance of citations for violations are authorized and governed generally by ORS 153.005 to 153.045. In addition, the County is further and more specifically authorized as follows:

C. To administer and enforce its ordinance regulating surface mining and the reclamation of surface-mined lands pursuant to ORS 517.780 and 517.990.

[Renumber D through N as C through N].

SECTION 6. STATUTES, ADMINISTRATIVE RULES, ORDINANCES, ORDERS AND RESOLUTIONS, AND PROVISIONS THEREOF, ENFORCEABLE UNDER THIS ORDINANCE.

The following statutes, administrative rules, ordinances, orders and resolutions, and provisions thereof, are enforceable under this ordinance:

F. The Columbia County Surface Mining Land Reclamation Ordinance", adopted on June 28, 1972, as amended.

[Renumber G through EE as F through DD].

J. ORS 167.315, 167.320, 167.325, 167.332, 167.340, 167.349, 167.374, 167.376 167.390, 601.140, 609.015 to 609.190, 609.205, 609.815, 609.990, 646A.075, 646A.077, Ordinance Nos. 88-13, 88-14 and 74-2006 and any ordinance or order adopted subsequent to this ordinance pursuant to ORS 609.015. For purposes of enforcement under this ordinance, a culpable mental state shall not be an element of the ORS Chapter 167 offenses in this paragraph.

### SECTION 27. APPEALS.

An appeal from a judgment involving an infraction violation enforceable under this ordinance may be taken by either party:

- A. From a proceeding in justice court or municipal court as provided in ORS Chapter 53;
- B. From a proceeding in district court as provided in ORS Chapter 46; or
- C. From a proceeding in circuit court as provided in ORS 19.005 to 19.026 and 19.029 to 19.200; or
- D. From a Building Code violation proceeding under Section 23.C, above, as provided in ORS 34.010 to 34.102.

#### SECTION 29. DECISIONS NOT TO TAKE ENFORCEMENT ACTION.

- A. Enforcement of those offenses declared to be infractions violations by this ordinance utilizing the infraction violation procedures set out in this ordinance, by any authorized person, by the county or by any consenting city is permissive and not mandatory.
- \* \* \* \*
- C. When any authorized person receives information from any source that leads him or her to believe an offense declared to be a nuisance and infraction violation by this ordinance has occurred, or is occurring, or a violation of any other statute, administrative rule, ordinance, order or resolution, or provision thereof, whatsoever has occurred, or is occurring, that the authorized person, the county or any consenting city is authorized by law to enforce, by any method, he or she shall make a determination, considering the severity of the alleged violation, the departmental and county or city staff, time and resources necessary, and the probability of success, whether enforcement action is warranted and what type of enforcement action should be undertaken. If that information is brought to the authorized person's attention by formal written complaint, and based upon the information received the authorized person determines that enforcement is not warranted, he or she shall promptly mail or deliver written notice to the complainant of the decision made not to take enforcement action.
- J. Notwithstanding any decision by an authorized person, the county or a city not to take enforcement action, any person adversely affected by an offense declared to be a nuisance and infraction violation under this ordinance shall retain any authority and jurisdiction given under state law or common law to pursue private civil remedies, whether legal or equitable, including nuisance abatement or injunctive relief, against the alleged offender.

### SECTION 31. COMPLIANCE ORDERS.

A. In addition to any other enforcement methods authorized by this Ordinance, any person authorized to enforce the Columbia County Noise Ordinance, the Columbia County Address Ordinance, the Columbia County Zoning Ordinance, the Columbia County Solid Waste Ordinance, and the Columbia County Kennel Ordinance, and the Columbia County Surface Mining Ordinance, shall be authorized to issue Compliance Orders. Each Compliance Order shall include the following information:

#### **EXHIBIT B**

# COUNTY-WIDE POSITIONS WITH ENFORCEMENT AUTHORITY

AUTHORIZED POSITIONS	AREA(S) OF AUTHORITY	RELEVANT PROVISIONS
LAND DEVELOPMENT SERVICES DIRECTOR	Planning, Building, Solid Waste, DEQ Regulations, Surface Mining, Subsurface Sewage, Depletion Fees	Violations of those statutes, administrative rules, ordinances, orders and resolutions, and provisions thereof, listed in Subsections A, B, C, D, E, F, G and H, and relevant amendments and ordinances under Subsections S, T, and U (including the Depletion Fee Ordinance), of Section 6 of the Columbia County Enforcement Ordinance
PLANNING DIVISION MANAGER	Planning, Comprehensive Plan, Zoning	Violations of those ordinances, and provisions thereof, listed in Subsections A, B, C and D, and relevant amendments and ordinances under Subsections S, and T, of Section 6 of the Columbia County Enforcement Ordinance
ENVIRONMENTAL SERVICES SPECIALISTS I & II	Solid Waste, DEQ Regulations	Violations of the ordinances, and provisions thereof, listed in Subsection E, and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance
ENVIRONMENTAL SERVICES SPECIALISTS I & II	Subsurface Sewage Disposal	Violations of the statutes and administrative rules, and any provisions thereof, listed in Subsection H, and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance
CODE ENFORCEMENT OFFICER	Planning, Building, Solid Waste, DEQ Regulations, Surface Mining, Subsurface Sewage, Depletion Fees	Violations of those statutes, administrative rules, ordinances, orders and resolutions, and provisions thereof, listed in Subsections A, B, C, D, E, F, G and H, and relevant amendments and ordinances under Subsections S, T, and U (including the Depletion Fee Ordinance) of Section 6 of the Columbia County Enforcement Ordinance
SURFACE MINING ADMINISTRATOR	Surface Mining	As provided in the Intergovernmental Agreement by and Between Columbia County and the Oregon Department of Geology and Mineral Industries, as amended:

AUTHORIZED POSITIONS	AREA(S) OF AUTHORITY	RELEVANT PROVISIONS
BUILDING OFFICIAL	Building Codes, Access Approaches	Violations of the statutes, specialty codes, administrative rules and ordinances, and any provisions thereof, listed in Subsection G, and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance, to include violations of the Access Approach Ordinance, No. 98-10, as it currently exists or may be amended, and all orders, resolutions, rules, regulations and specifications thereunder
PUBLIC WORKS DIRECTOR  ASSISTANT PUBLIC WORKS DIRECTOR	Road Standards, Access Approaches	Violations of the statutes and ordinances, and provisions thereof, listed in Subsection I, and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance, to include violations of the Access Approach Ordinance, No. 98-10, and the County Road Standards Ordinance, No. 96-06, as they currently exist or may be amended, and all orders, resolutions, rules, regulations and specifications thereunder
COUNTY (ROAD) ENGINEER/ PROJECT COORDINATOR	Road Standards, Access Approaches	Violations of the statutes and ordinances, and provisions thereof, listed in Subsection I, and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance, to include violations of the Access Approach Ordinance, No. 98-10, and the County Road Standards Ordinance, No. 96-06, as they currently exist or may be amended, and all orders, resolutions, rules, regulations and specifications thereunder
ANIMAL CONTROL OFFICERS	Animal Control	Violations of the statutes, and provisions thereof, listed in Subsection J, and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance; ORS 167.315, ORS 167.320, ORS 167.325, ORS 167.330, ORS 167.340, and ORS 607.045.
FAIR BOARD ADMINISTRATOR	Fairgrounds	Violations of the statutes, rules and regulations and provisions thereof, listed in Subsection K, and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance, and to include the Columbia County Fair Ordinance, No. 98-07, as it currently exists or may be amended, and all orders, resolutions, rules, and regulations thereunder

AUTHORIZED POSITIONS	AREA(S) OF AUTHORITY	RELEVANT PROVISIONS
FAIR BOARD MEMBERS	Fairgrounds	Violations of the statutes, rules and regulations and provisions thereof, listed in Subsection K, and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance, and to include the Columbia County Fair Ordinance, No. 98-07, as it currently exists or may be amended, and all orders, resolutions, rules, and regulations thereunder
ENVIRONMENTAL SANITARIAN EMPLOYED BY THE <del>COLUMBIA</del> HEALTH DISTRICT PUBLIC HEALTH FOUNDATION	Food Handlers, Restaurant Inspections, Tourist Facilities, Swimming Facilities	Violations of the statutes, administrative rules and ordinances, and provisions thereof, listed in Subsections L, M and N, and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance
EMERGENCY MANAGEMENT DIRECTOR	Ambulance Service	Violations of the statutes, administrative rules, ordinance and plan, and provisions thereof, listed in Subsection O, and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance
FOREST PARKS AND RECREATION DIRECTOR FOREST PARKS AND RECREATION ASSISTANT DIRECTOR	Docks, Parks, Forest	Violations of the ordinance and orders, and provisions thereof, listed in Subsections P and Q, and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance, and to include the Forest, Parks & Recreation Ordinance, No. 98-06, as it currently exists or may be amended, and all orders, resolutions, rules and regulations thereunder
COLUMBIA COUNTY SHERIFF AND EACH SWORN DEPUTY SHERIFF	ĸ	Any offense declared to be an infraction under the Columbia County Enforcement Ordinance, to include violations of statutes, administrative rules, ordinances, orders and resolutions, and provisions thereof, listed in Section 6 of the Columbia County Enforcement Ordinance
DISTRICT ATTORNEY		Any offense declared to be an infraction under the Columbia County Enforcement Ordinance, to include violations of statutes, administrative rules, ordinances, orders and resolutions, and provisions thereof, listed in Section 6 of the Columbia County Enforcement Ordinance
DEPUTY DISTRICT ATTORNEYS		Any offense declared to be an infraction under the Columbia County Enforcement Ordinance, to include violations of statutes, administrative rules, ordinances, orders and resolutions, and provisions thereof, listed in Section 6 of the Columbia County Enforcement Ordinance

AUTHORIZED POSITIONS	AREA(S) OF AUTHORITY	RELEVANT PROVISIONS
COUNTY COUNSEL	#3 #	Any offense declared to be an infraction under the Columbia County Enforcement Ordinance, to include violations of statutes, administrative rules, ordinances, orders and resolutions, and provisions thereof, listed in Section 6 of the Columbia County Enforcement Ordinance
ASSISTANT COUNTY COUNSEL		Any offense declared to be an infraction under the Columbia County Enforcement Ordinance, to include violations of statutes, administrative rules, ordinances, orders and resolutions, and provisions thereof, listed in Section 6 of the Columbia County Enforcement Ordinance
FIRE CHIEF, COLUMBIA RIVER FIRE AND RESCUE DISTRICT	Fire Codes	Violations of the Fire Prevention Code of the Columbia River Fire and Rescue District, Ordinance No. 10-04, as it currently exists or may be amended, and all orders, resolutions, rules, regulations and specifications thereunder
ASSISTANT FIRE CHIEF/ FIRE MARSHAL, COLUMBIA RIVER FIRE AND RESCUE DISTRICT AND OTHER MEMBERS OF THE COLUMBIA RIVER FIRE PREVENTION DIVISION	Fire Codes	Violations of the Fire Prevention Code of the Columbia River Fire and Rescue District, Ordinance No. 10-04, as it currently exists or may be amended, and all orders, resolutions, rules, regulations and specifications thereunder

# INDIVIDUAL HOLDING POSITIONS WITH ENFORCEMENT AUTHORITY

AUTHORIZED POSITIONS	EMPLOYEES WITH AUTHORITY	RELEVANT PROVISIONS
LAND DEVELOPMENT SERVICES DIRECTOR	TODD DUGDALE	Violations of those statutes, administrative rules, ordinances, orders and resolutions, and provisions thereof, listed in Subsections A, B, C, D, E, F, G and H, and relevant amendments and ordinances under Subsections S, T, and U (including the Depletion Fee Ordinance), of Section 6 of the Columbia County Enforcement Ordinance
PLANNING DIVISION MANAGER	GLEN HIGGINS	Violations of those ordinances, and provisions thereof, listed in Subsections A, B, C and D, and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance
ENVIRONMENTAL SERVICES SPECIALIST II	ERIN O'CONNELL	Violations of the ordinances, and provisions thereof, listed in Subsections E, and the statutes and administrative rules, and any provisions thereof, listed in Subsection H, and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance
ENVIRONMENTAL SERVICES SPECIALIST I	ERIN O'CONNELL	Violations of the ordinances, and provisions thereof, listed in Subsections E, and the statutes and administrative rules, and any provision thereof, listed in Subsection H, and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance
CODE ENFORCEMENT OFFICER	ROBERT CRAIN	Violations of those statutes, administrative rules, ordinances, orders and resolutions, and provisions thereof, listed in Subsections A, B, C, D, E, F, G and H, and relevant amendments and ordinances under Subsections S, T, and U (including the Depletion Fee Ordinance), of Section 6 of the Columbia County Enforcement Ordinance
SURFACE MINING ADMINISTRATOR	<del>DOGAMI</del>	As provided in the Intergovernmental Agreement by and between Columbia County and the Oregon Department of Geology and Mineral Industries, as amended.

AUTHORIZED POSITIONS	EMPLOYEES WITH AUTHORITY	RELEVANT PROVISIONS
BUILDING OFFICIAL	BILL POTTER	Violations of the statutes, specialty codes, administrative rules and ordinances, and any provisions thereof, listed in Subsection G, and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance, to include violations of the Access Approach Ordinance, No. 98-10, as it currently exists or may be amended, and all orders, resolutions, rules, regulations and specifications thereunder
PUBLIC WORKS DIRECTOR	DAVE HILL	Violations of the statutes and ordinances, and provisions thereof, listed in Subsection I,
ASSISTANT PUBLIC WORKS DIRECTOR	GLEN CRINKLAW	and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance, to include violations of the Access Approach Ordinance, No. 98-10, and the County Road Standards Ordinance, No. 96-06, as they currently exist or may be amended, and all orders, resolutions, rules, regulations and specifications thereunder
COUNTY (ROAD) ENGINEER/ PROJECT COORDINATOR	TRISTAN WOOD	Violations of the statutes and ordinances, and provisions thereof, listed in Subsection I, and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance, to include violations of the Access Approach Ordinance, No. 98-10, and the County Road Standards Ordinance, No. 96-06, as they currently exist or may be amended, and all orders, resolutions, rules, regulations and specifications thereunder.
ANIMAL CONTROL OFFICERS	ROGER KADELL	Violations of the statutes, and provisions thereof, listed in Subsection J, and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance, ORS 167.315, ORS 167.320, ORS 167.325, ORS 167.330, ORS 167.340, and ORS 607.045.
FAIR BOARD ADMINISTRATOR	RONDA COURTNEY <u>VACANT</u>	Violations of the statutes, rules and regulations and provisions thereof, listed in Subsection K, and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance, and to include the Columbia County Fair Ordinance, No. 98-07, as it currently exists or may be amended, and all orders, resolutions, rules, and regulations thereunder

AUTHORIZED POSITIONS	EMPLOYEES WITH AUTHORITY	RELEVANT PROVISIONS
FAIR BOARD MEMBERS	MICHAEL WARREN RANDY HANSEN HENRY HEIMULLER DELORES BELLINGHAM KYLE STRODA  DAVID THOMPSON, JR. EVELYN HUDSON STEVE KNEBEL	Violations of the statutes, rules and regulations and provisions thereof, listed in Subsection K, and relevant amendments and ordinances under Subsections K, S and T, of Section 6 of the Columbia County Enforcement Ordinance, and to include the Columbia County Fair Ordinance, No. 98-07, as it currently exists or may be amended, and all orders, resolutions, rules, and regulations thereunder
ENVIRONMENTAL SANITARIAN EMPLOYED BY THE COLUMBIA HEALTH DISTRICT PUBLIC HEALTH DISTRICT	MARK EDDINGTON	Violations of the statutes, administrative rules and ordinances, and provisions thereof, listed in Subsections L, M and N, and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance
EMERGENCY MANAGEMENT DIRECTOR	<u>VICKI HARGUTH</u> <u>PETER</u> <u>TASSONI</u>	Violations of the statutes, administrative rules, ordinance and plan, and provisions thereof, listed in Subsection O, and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance
FOREST PARKS AND RECREATION DIRECTOR  ASSISTANT FOREST PARKS AND RECREATION DIRECTOR	DAVE HILL GLEN CRINKLAW	Violations of the ordinance and orders, and provisions thereof, listed in Subsections P and Q, and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance, and to include the Forest, Parks & Recreation Ordinance, No. 98-06, as it currently exists or may be amended, and all orders, resolutions, rules, and regulations thereunder

AUTHORIZED POSITIONS	EMPLOYEES WITH AUTHORITY	RELEVANT PROVISIONS
COLUMBIA COUNTY SHERIFF AND EACH SWORN DEPUTY SHERIFF, continued	1	
	JEFF MANSHEIM RYAN PEWS GREG BRODY JAMES CARNAHAN SCOTT WILLIAMS	
DISTRICT ATTORNEY	STEVE ATCHISON	Any offense declared to be an infraction under the Columbia County Enforcement Ordinance, to include violations of statutes, administrative rules, ordinances, orders and resolutions, and provisions thereof, listed in Section 6 of the Columbia County Enforcement Ordinance
DEPUTY DISTRICT ATTORNEYS	DALE ANDERSON JOHN BERG JENNI JORDAN DENISE KEPPINGER KIMBERLYN SILVERMAN	Any offense declared to be an infraction under the Columbia County Enforcement Ordinance, to include violations of statutes, administrative rules, ordinances, orders and resolutions, and provisions thereof, listed in Section 6 of the Columbia County Enforcement Ordinance

AUTHORIZED POSITIONS	EMPLOYEES WITH AUTHORITY	RELEVANT PROVISIONS
COUNTY COUNSEL	SARAH HANSON	Any offense declared to be an infraction under the Columbia County Enforcement Ordinance, to include violations of statutes, administrative rules, ordinances, orders and resolutions, and provisions thereof, listed in Section 6 of the Columbia County Enforcement Ordinance
ASSISTANT COUNTY COUNSEL	SPENCER PARSONS ROBIN McINTYRE	Any offense declared to be an infraction under the Columbia County Enforcement Ordinance, to include violations of statutes, administrative rules, ordinances, orders and resolutions, and provisions thereof, listed in Section 6 of the Columbia County Enforcement Ordinance
FIRE CHIEF, COLUMBIA RIVER FIRE & RESCUE DISTRICT	JAY TAPPAN	Violations of the Fire Prevention Code of the Columbia River Fire and Rescue District, Ordinance No. 10-04, as it currently exists or may be amended, and all orders, resolutions, rules, regulations and specifications thereunder
ASSISTANT FIRE CHIEF/ FIRE MARSHAL, COLUMBIA RIVER FIRE & RESCUE DISTRICT AND OTHER MEMBERS OF THE COLUMBIA RIVER FIRE PREVENTION DIVISION	TERRY GRICE/BILL GOODWIN  PATRICK MARTYN RON YOUNGBERG BRIAN BURRIGHT	Violations of the Fire Prevention Code of the Columbia River Fire and Rescue District, Ordinance No. 10-04, as it currently exists or may be amended, and all orders, resolutions, rules, regulations and specifications thereunder