

BEFORE THE BOARD OF COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending the Columbia County Enforcement Ordinance to Incorporate New County Ordinances, Reflect Changes in County Organizational Structure, Include Inspection and Investigation Procedures, and Perform General Housekeeping Amendments

ORDINANCE NO. 2020-1

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

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2020-1.

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 update the Columbia County Enforcement Ordinance to incorporate the following newly adopted ordinances: (1) Ordinance No. 2019-2, the "Columbia County Food, Pool and Lodging Licenses and Services Ordinance"; (2) Ordinance No. 2019-5, the "Columbia County Parking and Towing Ordinance"; and (3) Ordinance No. 2019-6, the "Columbia County Livestock at Large Nuisance Ordinance." This Ordinance also amends the Columbia County Enforcement Ordinance to include investigation and inspection procedures and update the list of positions with enforcement authority to reflect changes in the County's organizational structure. Finally, this Ordinance also contains general housekeeping amendments that update statutory and regulatory references and include headings to improve readability.

SECTION 4. AMENDMENT.

The Board of County Commissioners hereby amends the Columbia County Enforcement Ordinance as shown in Attachment 1, which is 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 affect the validity of the remaining portions thereof.

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 CLAUSE.

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 04 day of March, 2020.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Alex Tardif
Alex Tardif, Chair

Approved as to form
By: [Signature]
Office of County Counsel

By: Not Present
Margaret Magruder, Commissioner

Attest: [Signature]
Recording Secretary

By: [Signature]
Henry Heimuller, Commissioner

First Reading: 3-4-2020
Second Reading: 3-4-2020
Effective Date: 3-4-2020

ATTACHMENT 1

[The ordinance is amendment to read as follows, with additions shown in **bold** and deletions shown in ~~strikethrough~~.]

COLUMBIA COUNTY ENFORCEMENT ORDINANCE

SECTION 1. TITLE.

This ordinance shall be known as the "Columbia County Enforcement Ordinance".

[En. Ord. 89-9; Am. Ord. 90-7; Am. Ord. 90-19.]

SECTION 2. APPLICATION.

This ordinance applies throughout Columbia County, Oregon, except that it shall not apply within the limits of any incorporated city unless consent to its application is given by the city governing body or the electors of the city.

[En. Ord. 89-9.]

SECTION 3. PURPOSE.

The purpose of this ordinance is to provide a procedure for enforcing certain statutes, administrative rules, ordinances, orders and resolutions, and provisions thereof. The enforcement procedures set forth in this ordinance are permissive, not mandatory, and are within the discretion of the authorized persons designated herein, the Board of County Commissioners and the governing body of any consenting city.

[En. Ord. 89-9.]

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),~~ 203.145 and 203.810, as amended. Violation procedures and the issuance of citations for violations are authorized and governed generally by ORS 153.005 to 153.064, **as amended**. In addition, the County is further and more specifically authorized as follows:

- A. To adopt and enforce a comprehensive plan, zoning ordinance, subdivision and partitioning ordinance and an ordinance regulating the names of public thoroughfares and addressing of property pursuant to

ORS Chapters 92, 197, and 215, particularly ORS 92.010 to 92.090, and 92.120 to 92.170, 92.990(1), 197.175, 215.050, 215.110, 215.130, 215.185, 215.190, 215.223 and 215.503.

- B. To adopt and enforce a solid waste management ordinance pursuant to ORS 459.005 to 459.995, particularly 459.085, 459.205 to 459.245, 459.255 to 459.385, 459.992 and 459.995.
- C. To administer and enforce the structural code, other specialty codes comprising the state building code and the related statutes and administrative rules of the Building Codes Agency, and to adopt ordinances related thereto pursuant to ORS 446.250, 446.430, 446.990(1), 447.080, 455.040, 455.150, 455.157, 455.170, 455.450, 455.675 to 455.690 and 455.895 to 455.897.
- D. To administer and enforce the standards for subsurface sewage disposal systems, alternative sewage disposal systems and non-water-carried sewage disposal facilities established in ORS 454.605 to 454.745 and in the administrative rules of the Environmental Quality Commission pursuant to ORS 454.640 and ORS 454.725.
- E. To exercise jurisdiction over county roads, local access roads and trails within the county pursuant to ORS Chapter 368, particularly ORS 368.016, 368.021 and 368.031, to abate road hazards pursuant to ORS 368.251 to 368.281, to penalize violations of road statutes pursuant to ORS 368.990 and to enact ordinances superseding certain of the road statutes pursuant to ORS 368.011.
- F. To control, restrict or prevent the placement, building or construction on the right of way of any county road, any approach road, structure, pipeline, ditch, cable, wire, or any other facility, thing or appurtenance, or any substantial alteration in such facility, thing or appurtenance, or any change in the manner of using such approach road pursuant to ORS 374.305 to 374.340, 374.420 to 374.430 and 374.990 and to adopt reasonable rules and regulations related thereto pursuant to ORS 374.310.
- G. To adopt and enforce rules, ordinances and regulations relating to the control of dogs pursuant to ORS 609.015 and to enact a dog control program pursuant to ORS 609.015 to 609.190 and 609.990.
- H. To adopt and enforce, through the county fair board, rules and regulations for the proper management and regulation of the county fair and the preservation of the peace and the protection of private and public property upon the fairgrounds pursuant to ORS 565.240, 565.610 to 565.650 and 565.990.

- I. To administer and enforce ORS 624.010 to 624.130, 624.310 to 624.430 and 624.990, relating to food service facilities, and administrative rules promulgated pursuant thereto, particularly OAR Chapter 333, Division 150 through 170, pursuant to ORS 431.150 to 431.160, 624.510 and 624.530.
- J. To administer and enforce ORS 446.310 to 446.350, 446.990 and OAR Chapter 333, Divisions 29 through 31, relating to tourist facilities and camping vehicles pursuant to ORS 431.150 to 431.160 and 446.425.
- K. To administer and enforce ORS 448.005 to 448.100, 448.990 and administrative rules promulgated pursuant thereto, relating to swimming facilities pursuant to ORS 431.150 to 431.160 and 448.100.
- L. To adopt and enforce an ambulance service ordinance and an ambulance service plan pursuant to ORS 682.062 and 682.063.
- M. To administer and enforce ORS 569.350 to 569.450 and 570.990 relating to weed control pursuant to ORS Chapter 570.
- N. **To administer and enforce ORS 819.100 to 819.215 relating to the impoundment of vehicles in the right of way.**
- O. By other provisions of law not enumerated herein.

[En. Ord. 89-9; Am. Ord. 90-7; Am. Ord. 2006-11; Am. Ord. 2010-10; Am. Ord. 2011-4; Am. Ord. 2012-4].

SECTION 5. DEFINITIONS AND HEADINGS.

- A. **Definitions.** As used in this ordinance, unless the context requires otherwise:
 - iA. "Authorized person" means a person authorized under Section 11 of this Ordinance to enforce violations under this Ordinance.
 - iiB. "Board" means the Board of County Commissioners for Columbia County, Oregon.
 - iiiC. "Administrator" means the Administrator of Land Development Services for Columbia County, Oregon.
 - ivD. "Person" means the definition it has under ORS 161.015 or its successor provisions.
- B. **Headings.** Any headings or subheadings within each section of this ordinance have been provided for ease of identification and reference purposes only and shall not be used to construe the meaning or to interpret this ordinance.

[En. Ord. 89-9; Am. Ord. 2006-11.]

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:

- A. **Planning**. Ordinance No. 84-4, Exhibit "A", the "Columbia County Comprehensive Plan, July 1984" (except as provided in paragraph "D"), ~~adopted on August 1, 1984, as amended~~, and any conditions attached to any comprehensive plan amendment whether granted prior to, contemporaneous with, or subsequent to the adoption of this Ordinance.
- B. **Zoning**. Ordinance No. 84-4, Exhibit "B", the "Columbia County Zoning Ordinance, July 1984" (except as provided in paragraph 2), ~~as amended~~ and the terms and conditions attached to any permit granted under the "Zoning Ordinance", whether granted prior to, contemporaneous with, or subsequent to the adoption of this Ordinance.
- C. **Subdivision and Partitioning**. Ordinance No. 90-10, the "Columbia County Subdivision and Partitioning Ordinance", ~~adopted on September 1, 1982, as amended~~, and the terms and conditions attached to any preliminary or final subdivision plat approval, major or minor land partitioning approval or planned unit development approval.
- D. **Addressing**. Ordinance No. 81-6 (Amended), the "Columbia County Rural Addressing System", ~~adopted on August 4, 1982, as amended~~.
- E. **Solid Waste**. The "Columbia County Solid Waste Management Ordinance", ~~adopted on August 3, 1977, as amended~~.
- F. **Building Codes**. ORS 455.010 to 455.740, particularly 455.450, 455.895, 455.897, those specialty codes and administrative rules adopted under ORS 446.062, 446.185, 447.020(2), 455.020(2) and 455.610 to 455.630, those administrative rules applicable under OAR Chapter 918 and any ordinances adopted under ORS 455.020(4) including without limitation, Ordinance Nos. 204, 84-1, 84-6 and 90-12.
- G. **Onsite Wastewater**. ORS 454.605 to 454.745 and OAR Chapter 340, Divisions 71 and 73 as applicable.
- H. **Roads**. ORS 368.056, 368.251 to 368.281, 368.910 to 368.960, 368.990, 374.305 to 374.330, 374.420 to 374.430, 374.990, and Ordinance Nos. 202, prohibiting logging in rights-of-way, 84-5, regulating vehicle length, 86-3, authorizing weight limits, 90-14, providing for regulation of speed), 91-6, adopting rules and regulations for the placement of construction of

ditches, structures, facilities and utilities on rights-of-way, 2010-5, prohibiting creation of road hazards, **2019-5, establishing parking and towing regulations for vehicles parked in the right-of-way** and any other ordinance or order adopted under such statutes or ordinances.

- I. **Animal Control**. ORS 167.315, 167.320, 167.325, 167.332, 167.340, 167.349, 167.374, 167.376 167.390, 601.140, **607.045**, 609.015 to 609.190, 609.205, 609.815, 609.990, 646A.075, 646A.077, Ordinance Nos. 2007 - 7, the "Columbia County Kennel Ordinance", and 2010 - 2, the "Columbia County Dog Nuisance Ordinance", **2019-6, the "Columbia County Livestock at Large Nuisance Ordinance"**, and Order Nos. 74-2006 and **48-2013**, 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.
- J. **County Fair**. ORS 565.240, 565.610 to 565.650, 565.990 and any rules and regulations adopted by the Columbia County Fair Board pursuant thereto.
- K. **Public Health**. ORS **431.413, 431.415, 446.310 to 446.350, 446.990, 448.005 to 448.100, 448.990**, 624.010 to 624.120, 624.310 to 624.430, 624.510, 624.530, 624.990, OAR Chapter 333, Divisions **29 through 31, 60, and 150** through 168, and Ordinance No. **2019-2, the "Columbia County Food, Pool and Lodging Licenses and Services Ordinance, and any other ordinance or order adopted under such statutes or ordinances 89-3, the Columbia County Food Handlers Ordinance, as amended.**
- L. ~~ORS 446.310 to 446.350, 446.990 and OAR Chapter 333, Divisions 29 through 31.~~ **RESERVED.**
- M. ~~ORS 448.005 to 448.100, 448.990 and administrative rules promulgated pursuant thereto.~~ **RESERVED.**
- N. **Ambulance Services**. ORS 682.062 and 682.031, implementing rules, Ordinance No. 90-23, Order No. 143-91, Order No. 169-95 and Ordinance No. 2002-3, and all amendments thereto.
- O. **Docks**. Ordinance No. 88-5, regulating the use of Columbia County docks.
- P. **Forest, Parks and Recreation**. Ordinance No. 94-9, "the Columbia County Forest Parks and Recreation Ordinance", as amended, and Ordinance Nos. 89-10 and 88-12, as amended.
- Q. **Weed Control**. ORS 569.350 to 569.495 (~~weed control~~).

- R. **RESERVED.** ~~Section 14.C of this ordinance.~~
- S. All amendments to the statutes, administrative rules, ordinances, orders and resolutions, and provisions thereof, listed in this section ~~enacted subsequent to the adoption of this ordinance~~, unless otherwise expressly stated in the amendment, or unless the context of the amendment clearly implies otherwise.
- T. In addition to the statutes, administrative rules, ordinances, orders and resolutions listed in this ordinance, any other statute, administrative rule, County ordinance, order or resolution may be enforced under this Ordinance, upon adoption of an ordinance, order or resolution which specifically states that the statute, administrative rule, ordinance, order or resolution is enforceable under the Enforcement Ordinance.
- U. **Outdoor Mass Gathering.** Ordinance No. 2006 - 9 the "Columbia County Outdoor Mass Gathering Ordinance", ~~as amended.~~
- V. **Public Road Events.** Ordinance No. 1997-6, the "Columbia County Public Event Ordinance", ~~as amended.~~
- W. **Stormwater and Erosion Control.** Ordinance No. 2001-10, the "Columbia County Stormwater and Erosion Control Ordinance", ~~as amended.~~
- X. **Access Approaches.** Ordinance No. 2006 - 4, the "Columbia County Access Approach Ordinance", ~~as amended.~~
- Y. **Depletion Fee.** Ordinance No. 90-20, the "Columbia County Natural Resources Depletion Fee Ordinance", ~~as amended."~~
- Z. **Fair Housing.** Ordinance No. 93-6, the "Columbia County Fair Housing Ordinance", ~~as amended.~~
- AABB. Noise Control.** Ordinance No. 91-8, the "Columbia County Noise Control Ordinance", ~~as amended.~~
- BBCC. Smoking in County Buildings and Vehicles.** Ordinance No. 91-7, designating smoking and non-smoking areas in Columbia County buildings and vehicles, ~~as amended,~~ and Order No. 149-91, ~~as amended.~~

[En. Ord. 89-9; Am. Ord. 90-7; Am. Ord. 90-19; Am. Ord. 2006-11; Am. Ord. 2010-10; Am. Ord. 2011-4; Am. Ord. 2012-4.]

SECTION 7. ADOPTION.

Subject to the amendments stated in Section 8 below, all of the ordinances, orders and resolutions, and provisions thereof, listed in Section 6 above are hereby adopted, or readopted, as the case may be, and incorporated herein by this reference.

[En. Ord. 89-9.]

SECTION 8. AMENDMENTS.

A. **Solid Waste Management Ordinance.** Section 7.03 of Ordinance No. 89-8, "Citation for Solid Waste Nuisances", as amended by Ordinance No. 89-13, is amended to delete the reference to "Ordinance No. 89-9", and "Columbia County Enforcement Ordinance" is substituted in its place.

~~B. That section in Ordinance No. 81-3 entitled "Penalties" is deleted and the following section is substituted in its place:~~

~~"ENFORCEMENT.~~

~~"This ordinance may be enforced as provided by, and violators hereof are subject to the penalties provided in, the Columbia County Enforcement Ordinance."~~

BC. **Logging on Right of Ways.** Section 3 of Ordinance No. 202, "Penalty", is deleted and the following section is substituted in its place:

~~"SECTION 3. ENFORCEMENT.~~

~~"This ordinance may be enforced as provided by, and violators hereof are subject to the penalties provided in, the Columbia County Enforcement Ordinance."~~

CD. **Bike Paths and Trails.** That section in Ordinance No. 85-9 entitled "Penalty" is deleted and the following section is substituted in its place:

~~"ENFORCEMENT.~~

~~"This ordinance may be enforced as provided by, and violators hereof are subject to the penalties provided in, the Columbia County Enforcement Ordinance."~~

~~E. Section 18.4 of Ordinance No. 89-5, "Appeals, Abatement and Penalties", is amended by the addition of the following sentence at the end of the subsection:~~

~~"This ordinance may be enforced as provided by, and violators hereof are subject to the penalties provided in, the Columbia County Enforcement Ordinance."~~

DF. **County Docks**. Section 9 of Ordinance No. 88-5, "Penalties", is amended by the addition of the following sentence:

"This ordinance may be enforced as provided by, and violators hereof are subject to the penalties provided in, the Columbia County Enforcement Ordinance."

E. **Road Weight Limits**. Article 5 of Ordinance No. 86-3, "Penalties", is deleted and the following section is substituted in its place:

"ARTICLE 5. PENALTIES.

This ordinance may be enforced as provided by, and violators hereof are subject to the penalties provided in the Columbia County Enforcement Ordinance. Violators of this ordinance shall be jointly and severally liable to the County for all damage done to any County road or bridge as a result of the violation."

[En. Ord. 89-9; Am. Ord. 90-7; Am. Ord. 90-19; Am. Ord. 2012-4.]

SECTION 9. NUISANCE AND VIOLATION DECLARED.

Violation of any statute, administrative rule, ordinance, order or resolution, or any provision thereof, enforceable under this ordinance is unlawful and an offense. Such an offense is hereby declared to be a nuisance and a violation and is subject to the penalties provided in Section 24 below and such other enforcement action as provided in Section 28 below. Each day of violation constitutes a separate offense

[En. Ord. 89-9; Am. Ord. 2006-11; Am. Ord. 2010-10.]

**SECTION 10. PROCEDURE FOR ENFORCEMENT OF VIOLATIONS;
INVESTIGATION AND INSPECTION.**

A. Procedure for Enforcement of Violations. Except as specifically provided otherwise by this ordinance including Section 28 below, enforcement of the statutes, administrative rules, ordinances, orders, resolutions and provisions thereof, declared to be violations under this ordinance shall follow the procedure for the enforcement of violations set forth by ORS 153.030 to 153.121, 153.990 and 153.992.

B. Investigation and Inspection. **Authorized persons, as set forth in Section 11, below, may enter property, including the interior of structures, to meet with the owner or occupant when the authorized person has reason to believe a violation of this ordinance exists and an inspection is necessary to make such determination, subject to the following:**

- i. Entry occurs during County business hours or at other times by appointment with the owner or occupant. The authorized person shall not trespass or go beyond the apparent main entrance to the property without the owner or occupant's permission, except as otherwise authorized by law or as provided in this section.**
- ii. If the property owner or occupant has refused entry, or the County cannot secure entry, the investigation shall be conducted from public roads or from property where permission to enter has been granted.**
- iii. If entry onto the property is necessary to confirm the violation, the authorized person may seek an inspection warrant from a court of competent jurisdiction, as follows:**
 - a. The inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the property to be inspected or investigated and the purpose for which the inspection or investigation is to be made, including the basis upon which cause exists to inspect.**
 - b. The affidavit shall also contain either a statement that entry has been sought and refused, or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an inspection warrant.**
 - c. If a warrant is issued, the inspection shall be executed according to the terms of the warrant.**

[En. Ord. 89-9; Am. Ord. 2006-11; Am. Ord. 2010-10; Am. Ord. 2012-4.]

SECTION 11. PERSONS AUTHORIZED TO ISSUE CITATIONS.

Upon the issuance of a letter of authority signed by the Board of County Commissioners, the persons filling the following positions shall be specifically authorized to, have jurisdiction of and may enforce violations under this ordinance. Their authority and jurisdiction is subject to the primary authority of the Board of County Commissioners, and is limited to the specific violations listed after their position title below and to the specific powers granted by this ordinance. An authorized person may

issue a citation to any person who commits a listed violations. The authorized persons are:

- A. The Administrator for violations of those statutes, administrative rules, ordinances listed in Subsections A, B, C, D, E, F, G, U, W, and Y, and relevant amendments and ordinances under Subsections S and T, of Section 6 above.
- B. **The Planning Division Manager and Aany Planner I, II or III** for 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 above.
- C. The person designated by the Board of County Commissioners as Solid Waste Administrator, ~~if different from the Land Development Services Administrator,~~ and any Solid Waste Planner, for violations of the ordinances, and provisions thereof, listed in Subsection E, and relevant amendments and ordinances under Subsections S and T, of Section 6 above.
- D. Any certified building official or building inspector employed by, or under contract with, the county for violations of the statutes, specialty codes, administrative rules and ordinances, and any provisions thereof, listed in Subsection F, and relevant amendments and ordinances under Subsections S and T, of Section 6 above.
- E. **The Columbia County Public Health Administrator and Aany** licensed Environmental Health Specialist/Sanitarian employed by the county for violations of the statutes and administrative rules, and any provisions thereof, listed in Subsection G, **and K** and relevant amendments and ordinances under Subsections S and T, of Section 6 above.
- F. The Columbia County ~~Roadmaster~~ **Public Works Director and Assistant Director** for violations of the statutes and ordinances, and provisions thereof, listed in Subsections **E, H, V, and X and Y**, and relevant amendments and ordinances under Subsections S and T, of Section 6 above.
- G. The Columbia County Dog Control Officer, and any duly sworn deputy thereof, for violations of the statutes, and provisions thereof, listed in Subsection I, and relevant amendments and ordinances under Subsections S and T, of Section 6 above.
- H. Those persons authorized under ORS 565.240 and 565.640 for violations of the statutes, rules and regulations, and provisions thereof, listed in Subsection J, and relevant amendments and ordinances under Subsections K, S and T, of Section 6 above.

- I. ~~RESERVED. Any licensed Environmental Health Specialist/Sanitarian employed by the County for violations of the statutes, administrative rules and ordinances, and provisions thereof, listed in Subsections K, L and M, and relevant amendments and ordinances under Subsections S and T, of Section 6 above.~~
- J. The person designated by the Board of County Commissioners as Administrator of the "Columbia County Ambulance Service Ordinance" (No. 89-5, as amended by Ordinance No. 90-23) and "Ambulance Service Plan" for violation of the statutes, administrative rules, ordinance and plan, and provisions thereof, listed in Subsection N, and relevant amendments and ordinances under Subsections S and T, of Section 6 above.
- K. Any peace officer, as defined in ORS 161.015, **and** the Forest, Parks and Recreation Director ~~and Assistant Director~~ for violations of the ordinances and orders, and provisions thereof, listed in Subsections O and P, and relevant amendments and ordinances under Subsections S and T, of Section 6 above.
- L. The Columbia County Weed Inspector for violations of the statutes, and provisions thereof, listed in Subsection Q, and relevant amendments and ordinances under Subsections S and T, of Section 6 above.
- ~~M. The Columbia County Park Maintenance Superintendent for violation of the ordinance and orders, and provisions thereof, listed in Subsection P, and relevant amendments and ordinances under Subsections S and T, of Section 6 above.~~
- MN.** The Columbia County Sheriff and any deputy sheriff, the Columbia County District Attorney and any Deputy District Attorney, the Columbia County Counsel and **any** Assistant County Counsel for any offense declared to be a violation enforceable under this ordinance.
- NO.** Any Code Enforcement Officer employed by the County for violations of the statutes, administrative rules and ordinances, and provisions thereof, listed in Subsections A, B, C, D, E, F, G, I, as it relates to the ~~Kenel Ordinance and Dog Nuisance Ordinance~~, only, U, W, Y, **AA** and **BB**, and relevant amendments and ordinances under Subsections S and T, of Section 6 above.
- O. Any city police officer employed by any incorporated city in this county which has consented, and to the extent it has consented, to the application of this ordinance within the city, for violation of those statutes, administrative rules, ordinances, orders and resolutions, and provisions thereof, to which the consent applies.

- P. Any other person specifically given authority by the Board of County Commissioners, or by the governing body of any consenting city for offenses within its jurisdiction, by written order or resolution to issue citations for violation of any or all of the statutes, administrative rules, ordinances, orders and resolutions, and provisions thereof, enforceable under this ordinance.

[En. Ord. 39-9; Am. Ord. 90-7; Am. Ord. 90-19; Am. Ord. 92-15; Am. Ord. 2006-11; Am. Ord. 2012-4.]

SECTION 12. PRIMARY AUTHORITY OF BOARD OF COUNTY COMMISSIONERS.

The Board of County Commissioners, and the governing body of any consenting city for city police officers or other authorized persons in its employment, may at any time, for any reason, by order or resolution, revoke the authority and jurisdiction granted to issue citations and to enforce offenses declared to be violations under this ordinance. Such authority and jurisdiction shall be automatically terminated when any person ceases to hold a position granted authority and jurisdiction under this ordinance. In addition, the Board of County Commissioners, and the governing body of any consenting city for citations issued by city police officers or other authorized persons in its employ, may withdraw any citation issued its name, and dismiss, compromise or otherwise settle any complaint or proceedings filed or brought in its name pursuant to this ordinance.

[En. Ord. 89-9; Am. Ord. 90-7; Am. Ord. 2006-11.]

SECTION 13. ISSUANCE OF WARNINGS.

- A. An authorized person may, in lieu of issuing a citation or notice of violation pursuant to Section 23, below, issue a written warning for the commission of any offense declared to be a violation under this ordinance
- B. If an authorized person issues a written warning, it shall be in writing and shall be delivered to the alleged offender in person or in any other manner reasonably calculated to give notice of the offense, including posting or regular mail.
- C. A written warning shall include the following information:
- i. The name of the person warned;
 - ii. The date on which the warning was issued;
 - iii. The name of the person issuing the warning and the name of Columbia County in whose name the warning was issued;
 - iv. The statute, administrative rule, ordinance, order or resolution, or provision thereof, alleged to be violated;

- v. A statement or designation of the alleged violation in such a manner as can be readily understood by a person making a reasonable effort to do so;
- vi. The date, time and place at which the violation is alleged to have occurred, or if it is a continuing violation, a statement to that effect and the date the violation was first observed by the person issuing the warning;
- vii. The name of the person, department or office to contact regarding the warning;
- viii. A deadline for contacting the person, department or office noted;
- ix. A statement that failure to correct the alleged violation or to contact the noted person, department or office by the deadline may result in issuance of a citation to appear in court;
- x. A statement that if a citation is issued, payment of a fine or forfeiture of bail does not relieve a violator of the responsibility to remedy the violation;
- xi. The maximum fine that may be imposed for the violation if a citation is issued and the person cited is found guilty.

[En. Ord. 89-9; Am. Ord. 90-7; Am. Ord. 2006-11; Am. Ord. 2010-10; Am. Ord. 2012-4.]

SECTION 14. ISSUANCE OF CITATIONS.

- A. Except as provided in Section 23, below, any authorized person, as defined and limited by Section 11 above, may issue a citation to any person who commits an offense defined as an violation under this ordinance. If the person to be issued a citation is a firm, corporation or other organization, delivery of a citation to any employee, agent or representative thereof shall be sufficient to confer jurisdiction.
- B. An authorized person may not make an arrest for an violation, but may detain any individual reasonably believed to have committed an violation, or any employee, agent or representative of a firm, corporation or organization reasonably believed to have committed an violation, only so long as is necessary to determine, for the purposes of issuing a warning or citation, the identity of the offender and such additional information as is appropriate for enforcement of the violation. Any peace officer detaining any individual in an attempt to enforce the statutes, rules, ordinances, orders or resolutions enforceable under this ordinance shall be in uniform or shall conspicuously display an official identification card or letter of

authority, or copy thereof, showing the officer's lawful authority. Any other authorized person detaining any individual in an attempt to enforce the statutes, rules, ordinances, orders or resolutions enforceable under this ordinance shall conspicuously display an official identification card or letter of authority, or copy thereof, showing the authorized person's lawful authority.

- C. Any person detained by a peace officer or any other authorized person, as pursuant to Subsection B above, shall provide the peace officer or authorized person with his or her name, address and date of birth. Failure by the detained person to provide the peace officer or authorized person his or her name, address and date of birth is declared to be an violation enforceable under this ordinance. Failure by the detained person to provide the peace officer or authorized person his or her correct name, address and date of birth is also declared to be an violation enforceable under this ordinance. Refusal by a person to be detained, pursuant to Subsection B above, in addition to any other penalties provided by law, is also declared to be an violation enforceable under this ordinance.
- D. The authorized person issuing a citation shall cause the summons to be delivered to the person cited and the complaint and abstract of record to be delivered to the court.
- E. Notwithstanding Subsection C above, no authorized person shall file any complaint under this ordinance with a court, and the court shall not have jurisdiction to hear any such complaint, without the express review and approval of the Columbia County Counsel or city prosecutor of any consenting city. Such review and approval shall be evidenced by the ~~certificate and signature of the authorized prosecutor on or attached to the complaint. as shown below:~~

CERTIFICATE

~~I have reviewed this (attached) complaint and reviewed the underlying law and facts and have reasonable grounds to believe, and do believe, the defendant committed the offense alleged.~~

DATED this _____ day of _____, 20_____.

Office of Prosecutor

By: _____

Name of Prosecutor

Title: _____

[En. Ord. 89-9; Am. Ord. 90-7; Am. Ord. 92-15; Am. Ord. 2006-11; Am. Ord. 2010-10.]

SECTION 15. CITATION FORM AND CONTENT.

- A. A citation conforming to the requirements of this section shall be used for all violation offenses enforceable under this ordinance occurring in the unincorporated areas of Columbia County, or in any city which has consented to the application of all or part of this ordinance within the city.
- B. The citation shall consist of at least four (4) parts. Additional parts may be inserted for administrative use. The required parts are:
 - ~~(1)~~-i. The complaint in the form prescribed by ORS 153.048;
 - ~~(2)~~-ii. The abstract of court record;
 - ~~(3)~~ iii. The police or other agency record;
 - ~~(4)~~ iv. The summons in the form prescribed by ORS 153.051.
- C. Each of the parts shall contain the information or blanks required by rules of the Supreme Court under ORS 1.525.
- D. The complaint shall contain a form of certificate, or verification, in which the complainant shall certify or verify, under the penalties provided in ORS 153.990, that the complainant has reasonable grounds to believe, and does believe, that the person cited committed the offense contrary to a statute, administrative rule, ordinance, order or resolution, or provision thereof, enforceable under this ordinance. A certificate conforming to this subsection shall be deemed equivalent of a sworn complaint.
- E. An error in transcribing information into the blanks provided in the citation form, when determined by the Court to be non-prejudicial to the defendant's defense, may be corrected at the time of trial or prior to time of trial with notice to the defendant. Except as provided in this subsection, a complaint that does not conform to the requirements of this section may only be set aside by the court upon motion of the defendant before entry of a plea.
- F. Nothing prohibits the court from amending the citation in its discretion.

[En. Ord. 89-9; Am. Ord. 90-7; Am. Ord. 92-15; Am. Ord. 2006-11.]

SECTION 16. FIRST APPEARANCE BY DEFENDANT.

A defendant who has been issued a ~~violation~~ citation for a violation shall appear as provided in ORS 153.061.

[En. Ord. 89-9; Am. Ord. 92-15; Am. Ord. 2006-11.]

SECTION 17. TRIAL HEARING ORDERED BY COURT.

Violation proceedings shall be conducted in accordance with ORS 153.070 to 153.111.

[En. Ord. 89-9; Am. Ord. 92-15; Am. Ord. 2006-11.]

SECTION 18. FAILURE OF DEFENDANT TO APPEAR.

- A. Except as provided in Subsection B, below, a warrant for arrest may be issued against a person who fails to make a first appearance on a citation for a violation, or fails to appear at any other subsequent time set for trial or other appearance, only if the person is charged with failure to appear in a violation proceeding under ORS 153.992.
- B. If a person fails to make a first appearance on a citation for a violation, or fails to appear at any other subsequent time set for trial or other appearance, the court may issue an order that requires the defendant to appear and show cause why the defendant should not be held in contempt. The show cause order may be mailed to the defendant by certified mail, return receipt requested. If service cannot be accomplished by mail, the defendant must be personally served. If the defendant is served and fails to appear at the time specified in the show cause order, the court may issue an arrest warrant for the defendant for the purpose of bringing the defendant before the court.

[En. Ord. 89-9; Am. Ord. 2006-11.]

SECTION 19. JURISDICTION OF COURTS.

- A. Subject to Section 14.D, above, the Circuit Court of the State of Oregon for Columbia County has jurisdiction of all violations enforceable under this ordinance.
- B. Subject to Section 14.D, above, any justice court in Columbia County, for offenses committed within the County, and any municipal court, for offenses committed within the jurisdictional authority of any city which has consented to the application of this ordinance, also have concurrent jurisdiction of all violations enforceable under this ordinance.

[En. Ord. 89-9; Am. Ord. 2006-11.]

SECTION 20. PROSECUTION.

- A. To the extent of any offense declared to be a violation under this ordinance is also an offense under state law, the District Attorney and any Deputy District Attorney of Columbia County shall retain any authority and jurisdiction given under state law to prosecute the alleged offender in the name of the state under the provisions of state law. In addition, for any other offense declared to be a violation under this ordinance, the District Attorney and any Deputy District Attorney shall have the authority and jurisdiction, subject to ORS Chapter 153, to prosecute the alleged offender in the name of the county under the provisions of this ordinance at the written request of the Board of County Commissioners.”
- B. To the extent any offense declared to be a violation under this ordinance occurs inside any incorporated city in this county and is also an offense under the city charter, code or ordinance, of such city, or under state law, the city attorney of such city shall retain any authority and jurisdiction given under such city charter, code or ordinance, or under state law, to prosecute the alleged offender in the name of the city or state under the provisions of the city charter, code or ordinance, or state law, as the case may be. In addition, for any other offense inside any incorporated city in this county, to the extent the governing body or electors of an incorporated city in this county authorize and consent to the application of this ordinance inside such city, the city attorney of such city shall have the authority and jurisdiction, subject to ORS Chapter 153, to prosecute the alleged violator in the name of the county under the provisions of this ordinance. The County Counsel or Assistant County Counsel shall have the authority and jurisdiction to prosecute any such offense in the name of the county at the request of the governing body of such city and with the approval of the Board of County Commissioners.”
- C. Except to the extent provided in Subsections A and B above, for any offense declared to be a violation under this ordinance the County Counsel and Assistant County Counsel shall have the authority and jurisdiction to prosecute the alleged violator in the name of the county under the provisions of this ordinance.

[En. Ord. 89-9; Am. Ord. 2006-11; Am. Ord. 2012-4.]

SECTION 21. BAIL SCHEDULES.

- A. The Board of County Commissioners may by order establish and modify recommended schedules of bail for violations enforceable under this

ordinance. Any court listed in Section 19 above may accept or modify such bail schedules.”

- B. A person accused of committing a violation enforceable under this ordinance who requests a trial must post bail unless bail is expressly waived by the judge.

[En. Ord. 89-9; Am. Or. 2006-11.]

SECTION 22. TRIAL PROCEDURE.

- A. Except as specifically provided in this ordinance or in ORS Chapter 153, the criminal and criminal procedure laws of this state relating to an offense as described in ORS 161.505 apply with equal force and effect to a violation enforceable under this ordinance.
- B. The trial of any violation enforceable under this ordinance shall be by the court without a jury.
- C. The trial of any violation enforceable under this ordinance shall not commence until the expiration of seven (7) days from the date of citation for the violation unless the defendant waives the seven (7) day period.
- D. The state, county, or city shall have the burden of proving the charged violation by a preponderance of the evidence.
- E. The pretrial discovery rules in ORS 135.805 to 135.873 apply to violation proceedings. As used in ORS 135.805 to 135.873, “District Attorney” shall include the County Counsel or Assistant County Counsel for violations prosecuted by the county, and a city attorney for violations prosecuted by a consenting city, under this ordinance.
- F. The defendant may not be required to be a witness in the trial of any violation under this ordinance.
- G. Proof of a culpable mental state is not an element of a violation enforceable under this ordinance.
- H. At any trial involving a violation enforceable under this ordinance, defense counsel shall not be provided at public expense.
- I. At any trial of a violation enforceable under this ordinance, a prosecuting attorney may aid in preparing evidence and obtaining witnesses, but shall not appear unless counsel for the defendant appears. The court shall insure that the prosecuting attorney is given timely notice if defense counsel is to appear at trial.

- J. A person convicted of committing a violation enforceable under this ordinance shall not suffer any disability of legal disadvantage based upon conviction of a crime.
- K. The provisions of ORS 153.108 shall apply to violations enforceable under this ordinance.

[En. Ord. 89-9; Am Ord. 2006-11.]

SECTION 23. BUILDING CODE VIOLATIONS

For a violation of any provision of the County's building inspection program, as described in Sections 4.C and 6.F of this ordinance, an authorized person may issue a notice of violation and impose a penalty pursuant to Section 24, below, as follows:

- A. Notice of Violation.
 - i. The Notice of Violation shall contain:
 - a. The name and address of the property owner and person committing the violation, if known;
 - b. The address or location of the violation;
 - c. A description of the violation, including any relevant code provision numbers, ordinance numbers or other identifying references;
 - d. The penalty to be assessed for the violation and a statement that the person may admit the existence of the violation by paying the penalty and correcting the violation. However, payment of the penalty does not relieve the person of the requirement to correct the violation; and
 - e. A statement that the person may appeal the assessment of the penalty within 14 days of the date of service of the Notice of Violation, as provided by Section 23.C, below.
 - ii. The Notice of Violation shall be served on the property owner and alleged violator, if known, by any of the following methods:
 - a. Personal service; or
 - b. Certified mail, return receipt requested, to the last known address of the property owner and alleged offender, if known, as listed in the Columbia County property tax records. Notice mailed in accordance with this paragraph is considered served three days after the date mailed, if mailed

to an address in Oregon, and seven days after the date mailed, if mailed to an address outside Oregon.

- B. A penalty imposed pursuant to this Section shall become final upon the expiration of the time for filing an appeal of the Notice of Violation, if no appeal is filed.
- C. Appeal Procedure.
 - i. The person(s) notified may appeal the assessment of the penalty to the Board of County Commissioners, 230 Strand Street, St. Helens, Oregon 97051, within 14 days of the date of service of the Notice of Violation. The appeal shall be in writing and shall include:
 - a. The name and address of the appellant;
 - b. The nature of the determination being appealed;
 - c. The reason the determination is incorrect; and
 - d. What the appellant believes should be the correct determination.
 - ii. The Board of County Commissioners shall hold a hearing to consider the appeal, at which time the appellant may appear and be heard. Notice of the hearing shall be mailed to the appellant at least fourteen (14) days in advance of the hearing. The County shall bear the burden of proof at the hearing. The rules of evidence shall not apply. The Board's decision shall be in writing and shall be mailed to the property owner and the appellant, if different. The Board's written decision is final.
- D. Unpaid Penalties.
 - i. Failure to pay a penalty imposed pursuant to this Section within ten (10) days after the penalty becomes final shall constitute a violation of this Ordinance. Each day the penalty is not paid shall constitute a separate violation. The County is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by subsection ii., below or other provisions of this Ordinance or state statutes.
 - ii. If a penalty is imposed pursuant to this Section remains unpaid sixty (60) days after such penalty becomes final, the County may file and record the order for payment in the County Clerk Lien Record in accordance with ORS 30.460. At the time such an assessment is made, the County shall notify the property owner that the penalty has been assessed and has been entered in the

County Clerk Lien Record. The lien shall be enforced in the same manner as all County liens. ~~Interest shall commence from the date of entry of the lien in the lien docket.~~

- iii. In addition to enforcement mechanisms authorized elsewhere in this Ordinance, failure to pay a penalty imposed pursuant to this Section shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy.

[En. Ord. 2010 - 10; Am. Ord. 2012-4.; Am. Ord. 2016-8]

SECTION 24. PENALTIES FOR VIOLATIONS.

- A. General.** The penalty for committing an offense declared to be a violation under this ordinance shall be a fine only. All offenses declared to be violations under this ordinance are classified for purpose of sentence as Class A violations. Except for building code violations under Section 23, above, a sentence to pay a fine for a violation under this ordinance shall be a sentence to pay a fine not exceeding \$500.
- B. Building Code Violations.** Penalties for building code violations under Section 23 shall be as set forth in the Schedule of Fines, below, and in no case shall the fine exceed \$5,000 for a single violation or \$1,000 each day for a continuing violation. ~~Nothing in this ordinance shall authorize a fine in excess of the maximum fine authorized by the statute, administrative rule, ordinance, order or resolution, or provision thereof, defining the offense declared to be a violation under this ordinance. Nor shall it authorize a fine in excess of the limit set for continuing offenses by ORS 203.065.~~

SCHEDULE OF FINES for Building Code Violations	
First Offense (1/3 of maximum fine)	\$1,667 single violation \$333 each day for continuing violations
Second Offense (2/3 of maximum fine)	\$3,333 single violation \$667 each day for continuing violations
Third or More Offense (maximum fine)	\$5,000 single violation \$1,000 each day for continuing violations

- C. Certain Dog Control Violations. Fines for specific offenses of ORS 609, enforceable as violations under this ordinance and where the citation has been filed in Justice Court, shall be as set forth, below. With the exception of the fee for a Default Judgment for Failure to Appear, all fines collected from the violations listed, below, shall be deposited into the Animal Control Fund.**

Violation	Description	Fine
ORS 609.060	Dogs Running at Large	\$75.00
ORS 609.095(a)	Dog as a Public Nuisance (chasing persons or vehicles)	\$75.00
ORS 609.095(b)	Dog as a Public Nuisance (damaging or destroying property)	\$75.00
ORS 609.095(c) or (d)	Dog as a Public Nuisance (scattering garbage or trespassing)	\$75.00
ORS 609.095	Dog as a Public Nuisance (potentially dangerous dog)	\$250.00
ORS 609.100	Unlicensed Dog	\$75.00
	Repeat violations of any of the above within a 6- month period	Fine Doubles
	Default Judgment for Failure to Appear on any of the above violations (court fee)	\$100.00

- D. Nothing in this ordinance shall authorize a fine in excess of the maximum fine authorized by the statute, administrative rule, ordinance, order or resolution, or provision thereof, defining the offense declared to be a violation under this ordinance. Nor shall it authorize a fine in excess of the limit set for continuing offenses by ORS 203.065.**

[En. Ord. 89-9; Am . Ord. 2010-10.; Am. Ord 2016-8]

SECTION 25. DISPOSITION OF FORFEITED BAIL OF FINES RECEIVED.

Forfeited bail and fines recovered under this ordinance shall be paid to the clerk of the court in which recovery is had. After first deducting court costs in the proceedings, the clerk shall pay the remainder to the Columbia County Treasurer, or City Recorder for proceedings in municipal court, for the general fund of the county or city, as the case may be.

[En. Ord. 89-9; Re-numbered Ord 2010-10.]

SECTION 26. RESPONSIBILITY TO REMEDY.

Forfeiture of bail or payment of a fine on a citation issued under this ordinance does not relieve an offender of the responsibility to remedy the violation and such offender may be subject to additional enforcement as provided by this ordinance.

[En. Ord. 89-9; Re-numbered Ord 2010-10.]

SECTION 27. APPEALS.

An appeal from a judgment involving a 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;
- 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.

[En. Ord. 89-9; Re-numbered Ord 2010-10; Am. Ord. 2011-4.]

SECTION 28. OTHER REMEDIES PRESERVED.

In lieu of any violation procedure set forth in Sections 10 through 27 of this ordinance, or in addition to it, any and all other remedies provided by the statutes, administrative rules, ordinances, orders and resolutions, and provisions thereof, listed in Sections 4 and 6 above to abate or enjoin acts or conditions declared by this ordinance to be nuisances, or to otherwise enforce the laws enforceable under this ordinance, are preserved and may be utilized by any authorized person, the Board of County Commissioners, city governing body of any consenting city, and any authorized prosecutor to seek compliance with the law and to remedy or penalize violations. The county, and any consenting city, shall be entitled to its reasonable costs, disbursements and attorneys' fees for any enforcement action taken under this section.

[En. Ord. 89-9; Am. & Re-numbered Ord 2010-10.]

SECTION 29. DECISIONS NOT TO TAKE ENFORCEMENT ACTION.

- A. Enforcement of those offenses declared to be violations by this ordinance utilizing the violation procedures set out in this ordinance, by any authorized person, by the county or by any consenting city is permissive and not mandatory.
- B. Except to the extent specifically, clearly and expressly stated otherwise in the relevant statute, administrative rule, ordinance, order or resolution involved, or provision thereof, or related provisions, enforcement of those statutes, administrative rules, ordinances, orders and resolutions, or provisions thereof, enforceable under this ordinance, and any other statutes, administrative rules, ordinances orders and resolutions, or provisions thereof, the enforcement of which by an authorized person, by the county, or by any consenting city is allowed by law, by any other means authorized by law, including but not limited to mandamus, injunctive and other equitable proceedings, is also 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 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.
- D. Within ten (10) calendar days of the mailing date, or service date if served personally, of the written notice of a decision not to take enforcement action, a person who filed a formal written complaint may appeal the decision to the Board of County Commissioners, or city governing body. The appeal must be in writing, must be signed by the complainant, must state why the authorized person's decision should be reconsidered and must be received by the Board of County Commissioners or city recorder's office within the ten (10) calendar day period. When an appeal is properly filed, an appeal hearing will be scheduled within thirty (30) days at which the complainant may present evidence to demonstrate that enforcement

action is warranted considering the severity of the alleged violation, the departmental and county or city staff, time and resources necessary, and the probability of success. The authorized person may also, but need not, offer evidence at such hearing. At the conclusion of such hearing, the Board or city may either reverse, affirm or modify, the authorized person's decision. The Board or city will promptly mail or deliver written notice of the decision to the complainant.

- E. The burdens of proof, of persuasion, and of going forward with evidence to justify enforcement action shall be on the complainant.
- F. Notwithstanding Subsections A through F above, the Board of County Commissioners or city governing body may at any time reconsider, reverse or modify any decision made not to take enforcement action.
- G. A decision made not to take enforcement action is declared to be an act of discretion as described by ORS 30.265(36)(c).
- H. Review of a Board or city governing body decision not to take enforcement action may be requested pursuant to ORS 34.010 to 34.100.
- I. The means provided by this section for seeking county or city enforcement action are not exclusive, but they are the exclusive means of compelling county or city enforcement action. The requirements herein are jurisdictional and strict adherence to them is required.
- 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 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.

[En. Ord. 89-9; Am. Ord. 92-15; Re-numbered Ord 2010-10; Am. Ord. 2011-4.]

SECTION 30. INTERGOVERNMENTAL AGREEMENTS.

The Board may enter into intergovernmental agreements with any city or cities in Columbia County and with any administrative agency of the State of Oregon to further the purposes of this ordinance. An agreement under this section shall be in accordance with ORS Chapter 190.

[En. Ord. 89-9; Re-numbered Ord 2010-10.]

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, the Columbia County Kennel Ordinance and the Columbia County Dog Nuisance Ordinance,~~ **with enforcement authority** shall be authorized to issue Compliance Orders. Each Compliance Order shall include the following information:
- i. The County rule, regulation or code being enforced, the specific violation and a determination as to whether the violation is on-going;
 - ii. Whether corrective action is appropriate, and if so, the specific corrective action, and/or schedule for compliance;
 - iii. Whether land use permits will be issued to the violator or issued for any property owned in whole or in part by the violator until the violator is in compliance with the Order;
 - iv. Whether a Cease and Desist Order is being issued.
- B. Compliance Orders may be issued against anyone who commits an offense. In the case of an offense involving real property, Compliance Orders may also be issued against owners, agents of owners and occupants of real property that allow an offense to exist or continue.
- C. Service. Compliance Orders may be served upon property owners and occupants of real property by posting the Order on site ~~and~~ by first class mail, return receipt requested. Alternative service may be made in person or by any other manner reasonably calculated to give notice including certified mail, return receipt requested.
- D. ~~Notice Form and Content. Compliance Orders shall be issued in substantially the form which is attached hereto and is incorporated herein by this reference. The Compliance Order form may be amended from time to time by Order of the Board of County Commissioners.~~
- E. — In the event any party fails to comply with any provision of a Compliance Order by the time set forth in the Compliance Order, said failure shall be a separate violation which shall be enforceable under this Ordinance. Failure to comply with a Compliance Order shall be a separate violation for each day that the violator fails to comply. Citations may be issued for both the failure to comply with the Compliance Order and for the underlying violation(s).

FE. Cease and Desist Orders may be issued as part of a Compliance Order. Such orders shall be served in the same manner as set forth in paragraph C, above. Failure to comply with a Cease and Desist Order shall be a separate violation which shall be enforceable under this Ordinance. Failure to comply with a Cease and Desist Order shall be a separate violation for each day that the violator fails to comply.

[En. Ord. 2006-11; Am. & Re-numbered Ord. 2010 - 10; Am. Ord. 2011-4.]



DEPARTMENT OF LAND DEVELOPMENT
SERVICES, CODE ENFORCEMENT
230 Strand Street, St. Helens, Oregon
97051 Phone: (503)397-1501 Fax:
(503)366-3902

Direct Line: (503) 397-7229

COMPLIANCE ORDER

ISSUED TO: _____ Date: _____

This Compliance Order is being issued by the Columbia County Department of Land Development Services, Code Enforcement Division (LDS).

LDS has determined that you have violated or are in the process of violating the following County Code rules and regulations:

by taking or failing to take the following actions:

LDS has further determined that the violations listed above are/are not on-going. You must take the following corrective action by the time(s) and date(s) indicated:

_____.

____ Land Use Permits will/will not be issued for any property owned by you in whole or in part until you are in compliance with this Compliance Order.

____ A Cease and Desist Order is/is not being issued. (Attach Order to be issued).

Failure to comply with this Compliance Order by the time stated shall be a violation of the Columbia County Enforcement Ordinance for each day that you fail to comply. Citations may be issued daily for both your failure to comply with the Compliance Order and the underlying violations. If a Cease and Desist Order is also issued as part of this Compliance Order, failure to comply with the Cease and Desist Order shall be a separate violation of the Columbia County Enforcement Ordinance. Citations may be issued daily for each day that you fail to comply with a Cease and Desist Order. Fines may be issued for up to \$ _____, per violation.

Please contact _____, Columbia County Code Enforcement Officer, at 503-397-1501, immediately to schedule a compliance inspection, or if you have any questions.

_____ Sincerely,

_____ Code Enforcement Officer

Service by:

POSTING at _____, on _____.

MAILING Return Receipt Requested to _____, on _____.

ALTERNATIVE SERVICE (describe)

COUNTY-WIDE POSITIONS

WITH ENFORCEMENT AUTHORITY

(Pursuant to Order No. 16-2014—Exhibit A)

AUTHORIZED POSITIONS	AREA(S) OF AUTHORITY	RELEVANT PROVISIONS
LAND DEVELOPMENT SERVICES DIRECTOR	Comprehensive Plan, Zoning, Planning, Building, Solid Waste, DEQ Regulations, Subsurface Sewage, Mass Gathering, Stormwater and Erosion Control, 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, U, W and Y, and relevant amendments and ordinances under Subsections S, and T, of Section 6 of the Columbia County Enforcement Ordinance.
PLANNING DIVISION MANAGER	Planning, Comprehensive Plan, Zoning, Mass Gathering, Solid Waste, DEQ Regulations , Stormwater and Erosion Control	Violations of those ordinances, and provisions thereof, listed in Subsections A, B, C, and E, G , U and W relevant amendments and ordinances under Subsections S, and T, of Section 6 of the Columbia County Enforcement Ordinance.
PUBLIC HEALTH ADMINISTRATOR	Solid Waste, DEQ Regulations, Subsurface Sewage Disposal, Public Health, Ambulance	Violations of the ordinances, and provisions thereof, listed in Subsections E, G, K and N, 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, Subsurface Sewage Disposal, Public Health	Violations of the ordinances, and provisions thereof, listed in Subsection E, and G and K , 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, Subsurface Sewage Disposal	Violations of the statutes and administrative rules, and any provisions thereof, listed in Subsections E and G, 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, Subsurface Sewage, Mass Gathering, Depletion Fees, Stormwater & Erosion Control, Kennels , Dog Nuisances, Public Health	Violations of those statutes, administrative rules, ordinances, orders and resolutions, and provisions thereof, listed in Subsections A, B, C, D, E, F, G, K U, W, Y, AA, BB , and the Kennel and Dog Nuisance Ordinances, and relevant amendments and ordinances under Subsections S, and T, of Section 6 of the Columbia County Enforcement Ordinance.

AUTHORIZED POSITIONS	AREA(S) OF AUTHORITY	RELEVANT PROVISIONS
<p>BUILDING OFFICIAL</p> <p>BUILDING INSPECTORS</p>	<p>Building Codes, Access Approaches</p>	<p>Violations of the statutes, specialty codes, administrative rules and ordinances, and any provisions thereof, listed in Subsection F and X, 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. 2006-4, as it currently exists or may be amended, and all orders, resolutions, rules, regulations and specifications thereunder.</p>
<p>PUBLIC WORKS DIRECTOR</p> <p>ASSISTANT PUBLIC WORKS DIRECTOR</p>	<p>Road Standards; Logging on Rights-of-Way; Vehicle Length; Speed Limits; Construction in Rights-of-Way; Road Hazards; Parking in Rights-of-Way; Public Road Event Permit; Access Approaches</p>	<p>Violations of the statutes and ordinances, and provisions hereof, listed in Subsection H, V and X, 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. 2006 - 4, 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.</p>
<p>COUNTY (ROAD) ENGINEER/ PROJECT COORDINATOR</p>	<p>Road Standards, Access Approaches</p>	<p>Violations of the statutes and ordinances, and provisions thereof, listed in Subsection H, V and X, 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. 2006-4, 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.</p>
<p>ANIMAL CONTROL OFFICERS</p>	<p>Animal Control, Kennels, Dog Nuisances</p>	<p>Violations of the statutes, 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.</p>

AUTHORIZED POSITIONS	AREA(S) OF AUTHORITY	RELEVANT PROVISIONS
FAIR BOARD ADMINISTRATOR	Fairgrounds	Violations of the statutes, rules and regulations 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, 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.
FAIR BOARD MEMBERS	Fairgrounds	Violations of the statutes, rules and regulations 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, 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 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 K, L, and M, 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 N, 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 O and P, 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. 94 - 9, as it currently exists or may be amended, and all orders, resolutions, rules and regulations thereunder.

AUTHORIZED POSITIONS	AREA(S) OF AUTHORITY	RELEVANT PROVISIONS
COLUMBIA COUNTY SHERIFF AND EACH SWORN DEPUTY SHERIFF		Any offense declared to be a violation 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 a violation 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 a violation 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.
COUNTY COUNSEL		Any offense declared to be a violation 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 a violation 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**

(Pursuant to Order No. 2012-4, Exhibit B,
Order No. 8-2012, and Order No. 16-2014)

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, U, W and Y, and relevant amendments and ordinances under Subsections S, and T, 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 G, 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	VACANT	Violations of the ordinances, and provisions thereof, listed in Subsections E and G, 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.
AUTHORIZED POSITIONS	EMPLOYEES WITH AUTHORITY	RELEVANT PROVISIONS
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,

		U, W, Y, BB, the Kennel and Dog Nuisances Ordinances, and relevant amendments and ordinances under Subsections S and T of Section 6 of the Columbia County Enforcement Ordinance.
BUILDING OFFICIAL	TODD CUNNINGHAM	Violations of the statutes, specialty codes, administrative rules and ordinances, and any provisions thereof, listed in Subsection F and X, 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. 2006-4, as it currently exists or may be amended, and all orders, resolutions, rules, regulations and specifications thereunder.
PUBLIC WORKS DIRECTOR ASSISTANT PUBLIC WORKS DIRECTOR	DAVE HILL GLEN CRINKLAW	Violations of the statutes and ordinances, and provisions thereof, listed in Subsection H, V and X, 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. 2006-4, 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.

AUTHORIZED POSITIONS	EMPLOYEES WITH AUTHORITY	RELEVANT PROVISIONS
COUNTY (ROAD) ENGINEER/ PROJECT COORDINATOR	TRISTAN WOOD	Violations of the statutes and ordinances, and provisions thereof, listed in Subsection H, V and X, 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. 2006-4, 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 I, and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance.
FAIR BOARD ADMINISTRATOR	VACANT	Violations of the statutes, rules and regulations 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, 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
FAIR BOARD MEMBERS	MICHAEL WARREN RANDY HANSEN DELORIS BELLINGHAM AMANDA McFERON MARYANN GUESS BUTCH GUESS JULIE STEPHENS	Violations of the statutes, rules and regulations and provisions thereof, listed in Subsection K, and relevant amendments and ordinances under Subsections J, 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
ENVIRONMENTAL SANITARIAN EMPLOYED BY THE COLUMBIA HEALTH DISTRICT	MARK EDDINGTON	Violations of the statutes, administrative rules and ordinances, and provisions thereof, listed in Subsections K, L, and M, and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance.
EMERGENCY MANAGEMENT DIRECTOR	STEVE PEGRAM	Violations of the statutes, administrative rules, ordinance and plan, and provisions thereof, listed in Subsection N, and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance.
FOREST PARKS AND RECREATION DIRECTOR	DAVE HILL	Violations of the ordinance and orders, and provisions thereof,

ASSISTANT FOREST PARKS AND RECREATION DIRECTOR	GLEN CRINKLAW	listed in Subsections O and P, 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. 94-9, as it currently exists or may be amended, and all orders, resolutions, rules and regulations thereunder.
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AUTHORIZED POSITIONS	EMPLOYEES WITH AUTHORITY	RELEVANT PROVISIONS
COLUMBIA COUNTY SHERIFF AND EACH SWORN DEPUTY SHERIFF	<p><u>SUPERVISORS:</u> SHERIFF JEFF DICKERSON UNDERSHERIFF ANDY MOYER LT. DUSTIN HALD</p> <p><u>ENFORCEMENT DEPUTIES:</u> RANDY BONDS DAVE PEABODY RYAN DEWS TROY CALDWELL LENNY OLSEN DUSTIN KING BRIAN PIXLEY DEREK HIBBS JON KERNUTT</p> <p><u>RESERVE DEPUTIES:</u> JEFF MANSHEIM GREG BRODY BILL GOODWIN TYLER MILLER DAVID CHANEY JOE JENKINS ROBERT WAGNER KIM JOHNS KELLI SMITH</p>	Any offense declared to be a violation under the Columbia County Enforcement Ordinance, and 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	STEVE ATCHISON	Any offense declared to be a violation 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	Any offense declared to be a violation under the Columbia County Enforcement Ordinance.

	DENISE KEPPINGER KIMBERLYN SILVERMAN	nance, to include violations of statutes, administrative rules, ordinances, orders and resolutions, and provisions thereof, listed in Section 6 of the Columbia County Enforcement Ordinance.
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AUTHORIZED POSITIONS	EMPLOYEES WITH AUTHORITY	RELEVANT PROVISIONS
COUNTY COUNSEL	SARAH HANSON	Any offense declared to be a violation 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	ROBIN McINTYRE	Any offense declared to be a violation 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 there under.
ASSISTANT FIRE CHIEF/FIRE MARSHAL, COLUMBIA RIVER FIRE & RESCUE DISTRICT AND OTHER MEMBERS OF THE COLUMBIA RIVER FIRE PREVENTION DIVISION	RON YOUNGBERG ERIC SMYTHE	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 there under.