

Columbia County



Oregon

ENFORCEMENT ORDINANCE

[Integrated thru March 2011]

Legislative History:

Enacted as Ordinance No. 89-9 on September 5, 1989

Amended and Re-enacted as Ordinance No. 90-7 on February 21, 1990

Amended by Ordinance No. 90-19 on August 8, 1990

Amended by Ordinance No. 92-15, eff. 02.01.93

[Electronically formatted 10.22.03 C.Z.]

Amended by Order 74-06, eff. 09.13.06

Amended by Ordinance No. 2006-11, eff. April 10, 2007

Amended by Order 46-2009, eff. 07.08.09

Amended by Ordinance No. 2010-10, eff. 02.02.11

TABLE OF CONTENTS

SECTION 1. TITLE. 4

SECTION 2. APPLICATION. 4

SECTION 3. PURPOSE.. . . . 4

SECTION 4. AUTHORITY. 4

SECTION 5. DEFINITIONS.. . . . 6

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

SECTION 7. ADOPTION. 8

SECTION 8. AMENDMENTS. 8

SECTION 9. NUISANCE AND VIOLATION DECLARED. 10

SECTION 10. PROCEDURE FOR ENFORCEMENT OF VIOLATIONS.. . . . 10

SECTION 11. PERSONS AUTHORIZED TO ISSUE CITATIONS. 10

SECTION 12. PRIMARY AUTHORITY OF BOARD OF COUNTY COMMISSIONERS. 12

SECTION 13. ISSUANCE OF WARNINGS. 12

SECTION 14. ISSUANCE OF CITATIONS. 13

SECTION 15. CITATION FORM AND CONTENT. 14

SECTION 16. APPEARANCE BY DEFENDANT. 15

SECTION 17. HEARING ORDERED BY COURT. 15

SECTION 18. FAILURE OF DEFENDANT TO APPEAR. 15

SECTION 19. JURISDICTION OF COURTS. 16

SECTION 20. PROSECUTION. 16

SECTION 21. BAIL SCHEDULES. 17

SECTION 22. TRIAL PROCEDURE. 17

SECTION 23. BUILDING CODE VIOLATIONS. 18

SECTION 24. PENALTIES FOR VIOLATIONS.	20
SECTION 25. DISPOSITION OF FORFEITED BAIL OF FINES RECEIVED.....	20
SECTION 26. RESPONSIBILITY TO REMEDY.....	20
SECTION 27. APPEALS.	20
SECTION 28. OTHER REMEDIES PRESERVED.....	20
SECTION 29. DECISIONS NOT TO TAKE ENFORCEMENT ACTION.....	21
SECTION 30. INTERGOVERNMENTAL AGREEMENTS.	22
SECTION 31. COMPLIANCE ORDERS.....	22

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), 203.310, 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.

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 92.190, 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 its ordinance regulating surface mining and the reclamation of surface-mined lands pursuant to ORS 517.780 and 517.990.

D. 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, 446.270, 446.430, 446.990(1), 447.080, 455.040, 445.150, 455.157, 455.170, 455.450, 455.675 to 455.690 and 455.895 to 455.897.

E. 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.

F. 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.

G. 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.

H. 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.

I. 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.

J. 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.

K. 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.

L. 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.

M. To adopt and enforce an ambulance service ordinance and an ambulance service plan pursuant to ORS 682.062 and 682.063.

N. To administer and enforce ORS 570.505 to 570.600 and 570.990 relating to weed control pursuant to ORS Chapter 570.

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.]

SECTION 5. DEFINITIONS.

As used in this ordinance, unless the context requires otherwise:

- A. "Authorized person" means a person authorized under Section 11 of this Ordinance to enforce violations under this Ordinance.
- B. "Board" means the Board of County Commissioners for Columbia County, Oregon.
- C. "Administrator" means the Administrator of Land Development Services for Columbia County, Oregon.
- D. "Person" means the definition it has under ORS 161.015 or its successor provisions.

[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. 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. 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. Ordinance No. 82-3, 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. Ordinance No. 81-6 (Amended), the "Columbia County Rural Addressing System", adopted on August 4, 1982, as amended.
- E. The Columbia County Solid Waste Management Ordinance", adopted on August 3, 1977, as amended.
- F. The Columbia County Surface Mining Land Reclamation Ordinance", adopted on June 28, 1972, as amended.
- G. 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.

- H. ORS 454.605 to 454.745 and OAR Chapter 340, Divisions 71 and 73 as applicable.
- I. 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, Ordinance Nos. 202 and Amended Ordinance No. 86-9, and any other ordinance or order adopted under such statutes or ordinances.
- 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.
- K. ORS 565.240, 565.610 to 565.650, 565.990 and any rules and regulations adopted by the Columbia County Fair Board pursuant thereto.
- L. ORS 624.010 to 624.120, 624.310 to 624.430, 624.510, 624.530, 624.990, OAR Chapter 333, Divisions 150 through 168 and Ordinance No. 89-3, the Columbia County Food Handlers Ordinance, as amended.
- M. ORS 446.310 to 446.350, 446.990 and OAR Chapter 333, Divisions 29 through 31.
- N. ORS 448.005 to 448.100, 448.990 and administrative rules promulgated pursuant thereto.
- O. 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.
- P. Ordinance No. 88-5, regulating the use of Columbia County docks.
- Q. Ordinance No. 94-9, "the Columbia County Forest Parks and Recreation Ordinance", as amended, and Ordinance Nos. 89-10 and 88-12, as amended
- R. ORS 570.505 to 570.600 and 570.990.
- S. Section 14.C of this ordinance.
- T. 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.
- U. 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.
- V. Ordinance No. 2006-8, the 'Columbia County Outdoor Mass Gathering Ordinance', as

amended.

- W. Ordinance No. 1997-6, the 'Columbia County Public Event Ordinance', as amended.
- X. Ordinance No. 2001-10, the 'Columbia County Stormwater and Erosion Control Ordinance', as amended.
- Y. Ordinance No. 91-4 , the 'Columbia County Access Approach Ordinance', as amended."
- Z. Ordinance No. 90-20, the 'Columbia County Natural Resources Depletion Fee Ordinance', as amended."
- AA. Ordinance No. 93-6, the 'Columbia County Fair Housing Ordinance', as amended.
- BB. Ordinance No. 91-8, the 'Columbia County Noise Control Ordinance', as amended."
- CC. [Inadvertently left off].
- DD. Ordinance No. 91-6, adopting rules and regulations for the placement or construction of ditches, structures, facilities and utilities on the rights of way of public and county roads in Columbia County, Oregon, as amended.
- EE. 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.]

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. 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."

C. Section 1 of Ordinance No. 84-6 is amended to include reference to ORS Chapters 446 and 455.

D. 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."

E. 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."

F. Section 3 of Amended Ordinance No. 86-9, "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."

G. 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."

H. 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."

I. Section 8 of Ordinance No. 89-6, "Penalties", is amended by deletion of the word "violation" at the end of the first sentence of the first paragraph. The word "infraction" is substituted in its place. *[sic – should be violation 1/30/07]* The words "two hundred fifty (\$250.00) dollars" in each sentence of the second paragraph are deleted. The words "five hundred (\$500.00) dollars" are substituted in their place in each sentence. In addition, the following sentence is added to the end of the second paragraph of Section 8:

"This ordinance, and orders adopted pursuant hereto, may be enforced as provided by, and violators hereof are subject to the penalties provided in, the Columbia County

Enforcement Ordinance."

J. Section IV of Ordinance No. 79-1, "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."

K. Section 1010.1A of Ordinance No. 82-3, as amended by Ordinance Nos. 84-3 and 84-4, is deleted in its entirety.

L. Section 1010.2 of Ordinance No. 82-3, as amended by Ordinance Nos. 84-3 and 84-4, is deleted and the following is substituted in its place:

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

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

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.

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 153.145, 153.990 and 153.992.

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

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 and H, and relevant amendments and ordinances under Subsections S and T, of Section 6 above.

B. Any 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. The person designated by the Board of County Commissioners as Surface Mining Administrator, if different from the Land Development Services Administrator, for violations of the ordinance or ordinances, and provisions thereof, listed in Subsection F, and relevant amendments and ordinances under Subsections F, S and T, of Section 6 above.

E. 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 G, and relevant amendments and ordinances under Subsections S and T, of Section 6 above.

F. Any registered sanitarian employed by the county for 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 above.

G. The Columbia County Roadmaster for 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 above.

H. The Columbia County Dog Control Officer, and any duly sworn deputy thereof, for violations of the statutes, and provisions thereof, listed in Subsection J, and relevant amendments and ordinances under Subsections J, S and T, of Section 6 above.

I. Those persons authorized under ORS 565.240 and 565.640 for 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 above.

J. Any registered sanitarian employed by the County for 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 above.

K. 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 O, and relevant amendments and ordinances under Subsections S and T, of Section 6 above.

L. Any peace officer, as defined in ORS 161.015, for violations of the ordinances and orders, and provisions thereof, listed in Subsections P and Q, and relevant amendments and ordinances under Subsections S and T, of Section 6 above.

M. The Columbia County Weed Inspector for violations of the statutes, and provisions thereof, listed in Subsection R, and relevant amendments and ordinances under Subsections S and T, of Section 6 above.

N. The Columbia County Park Maintenance Superintendent for violation of the ordinance and orders, and provisions thereof, listed in Subsection Q, and relevant amendments and ordinances under Subsections S and T, of Section 6 above.

O. The Columbia County Sheriff and any deputy sheriff, the Columbia County District Attorney and any Deputy District Attorney, the Columbia County Counsel and Assistant County Counsel for any offense declared to be an infraction enforceable under this ordinance.

P. 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.

Q. 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]

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 in 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 infraction 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.]

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) The complaint in the form prescribed by ORS 153.048;
- (2) The abstract of court record;
- (3) The police or other agency record;
- (4) 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. APPEARANCE BY DEFENDANT.

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

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

SECTION 17. 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, subject to ORS 153.250(2), 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.]

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 [*sic 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 require[d] 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.D and 6.G 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 by submitting a written request, along with any supporting evidence, to the Director of Land Development Services, 230 Strand Room 105, St. Helens, OR 97051. The written request and supporting evidence must be received by the Director within 14 days of the date of service of the Notice of Violation
- 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 by filing an appeal accompanied by a \$250 appeal fee with the Director of Land Development Services, 230 Strand Room 105, St. Helens, OR 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. Within thirty (30) days of the receipt of the written appeal, the Director shall issue a written decision on the basis of the appellant's written statement and the County's evidence of the violation. The Director's decision shall describe the evidence on which the Director relied. The County shall bear the burden of proof. The decision shall be mailed to the property owner and the appellant, if different. The Director'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 because of a violation resulting from a prohibited use or activity on real property, and the penalty remains unpaid thirty (30) days after such penalty becomes final, the County shall assess the property the full amount of the unpaid fine and shall enter such an assessment as a lien in the lien docket of County Clerk. At the time such an assessment is made, the County shall notify the property owner that the penalty has been assessed against the real property upon which the violation occurred and has been entered in the lien docket of the County Clerk. 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]

SECTION 24. PENALTIES FOR VIOLATIONS.

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. The maximum penalty for building code violations under Section 23 shall be a fine not exceeding \$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.

[En. Ord. 89-9; Amd. Ord. 2010-10]

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 an infraction 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.

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

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 infractions by this ordinance utilizing the infraction 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 infraction 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(3)(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 infraction 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]

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, 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:

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).

F. 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]



**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. 46-2009 – EXHIBIT A)**

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 COLUMBIA HEALTH DISTRICT	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		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		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 ON
(PURSUANT TO ORDER NO. 46-2009 – EXHIBIT B)**

AUTHORIZED POSITIONS	EMPLOYEES WITH AUTHORITY	RELEVANT PROVISIONS
LAND DEVELOPMENT SERVICES DIRECTOR	<i>TODD DUGDALE</i>	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	<i>GLEN HIGGINS</i>	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		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	<i>ERIN O'CONNELL</i>	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	<i>ROBERT CRAIN</i>	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	<i>DOGAMI</i>	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	<i>BILL POTTER</i>	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	<i>DAVE HILL</i> <i>GLEN CRINKLAW</i>	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	<i>TRISTAN WOOD</i>	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	<i>ROGER KADELL</i>	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.

AUTHORIZED POSITIONS	EMPLOYEES WITH AUTHORITY	RELEVANT PROVISIONS
FAIR BOARD ADMINISTRATOR	<i>RONDA COURTNEY</i>	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
FAIR BOARD MEMBERS	<i>DAVID THOMPSON, JR. HENRY HEIMULLER EVELYN HUDSON STEVE KNEBEL DELORIS BELLINGHAM</i>	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	<i>MARK EDDINGTON</i>	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	<i>VICKI HARGUTH</i>	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	<i>DAVE HILL</i> <i>GLEN CRINKLAW</i>	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	<p><u>OFFICERS:</u> SHERIFF JEFF DICKERSON UNDERSHERIFF ANDY MOYER SGT. RUSS GEORGE SGT. DUSTIN HALD SGT. JEREMY HOWELL</p> <p><u>DEPUTIES:</u> DAVE FULLER JOSH HARPER LARRY WEAVER TROY CALDWELL PAT ANDERSON DAVE PEABODY LENNY OLSEN SCOTTY DAVIDSON</p>	Any offense declared to be an infraction 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
	<p><u>MARINE DIVISION:</u> DEPUTY RANDY BONDS DEPUTY JACK HINKLE</p> <p><u>RESERVE DEPUTIES</u> JEFF MANSHEIM RYAN PEWS GREG BRODY JAMES CARNAHAN SCOTT WILLIAMS</p>	
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
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

AUTHORIZED POSITIONS	EMPLOYEES WITH AUTHORITY	RELEVANT PROVISIONS
ASSISTANT COUNTY COUNSEL	<i>SPENCER PARSONS</i>	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	<i>JAY TAPPAN</i>	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	<i>TERRY GRICE/BILL GOODWIN</i> <i>PATRICK MARTYN</i> <i>RON YOUNGBERG</i> <i>BRIAN BURRIGHT</i>	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