



# Operating plan 2021

## Clatsop County Building Codes

[buildingdivision@co.clatsop.or.us](mailto:buildingdivision@co.clatsop.or.us)

[www.co.clatsop.or.us](http://www.co.clatsop.or.us)

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# Introduction

## **OAR 918-020-0080 Delegation of Building Inspection Programs.**

The division and every municipality that administers and enforces a building inspection program or desires to assume responsibility to administer and enforce a building inspection program shall prepare an operating plan describing the manner in which the municipality or the division will do so. The operating plan shall establish specific processes and goals, consistent with the program standards described in ORS 455.153 and OAR 918-020-0090.

The Clatsop County Building Codes Division administers and enforces all aspects of the adopted codes in the unincorporated areas and the electrical codes in both the unincorporated and incorporated areas of the county's jurisdiction.

This operating plan was developed to comply with the statute and administrative rule requirements concerning the delegation of building program authority to Clatsop County. The plan is on file with the State of Oregon Building Codes Division, has been distributed to surrounding jurisdictions, and is available from this office upon request.

This operating plan reflects the standards, policies, procedures and services administered and offered through the Clatsop County Community Development Department, Building Codes Division. This plan will be updated as necessary to reflect changes in service, service areas, and administrative responsibilities.

Questions regarding this operating plan should be directed to:

David D. Kloss, MCP, CBO  
Building Official  
800 Exchange Street, Suite 100  
503-338-3697  
[dkloss@co.clatsop.or.us](mailto:dkloss@co.clatsop.or.us)

## *Mission Statement*

*The Clatsop County Building Codes Division provides predictable and flexible services to industry partners and property owners in a professional and courteous manner, producing positive solutions to promote safety in our community and support local enterprise in the construction industry.*

# Administrative Standards

918-020-0090 (1)

## Funds

The Clatsop County Building Codes Division (CCBCD) is a division of the Clatsop County Community Department. The CCBCD is supported by revenue collected from the review of submitted construction documents and the issuance of associated permits in accordance with the fee schedule approved by the Clatsop County Board of Commissioners. CCBCD revenues are not used to support activities, programs, or interests outside the scope of the CCBCD. General Fund money is not used to support the CCBCD program.

## Equipment

All staff members are provided with the equipment and other resources needed to complete their work in an efficient and service-oriented manner. Such equipment includes, but is not limited to, open office spaces, vehicles for inspections, iPads, cellular telephones, office telephones, computers, personal protection equipment, small hand tools, boots, code and code-related publications, and business and identification cards.

## Staff Authority and Responsibilities

Building Official:

Section 15.04.090 of the Clatsop County Uniform Building Code states as follows

- A. There is hereby established a building safety and code enforcement division that shall be under the administrative and operational control of the Building Official. The Building Official is authorized to enforce all the provisions of this Code.
- B. The Building Official shall have the power to render interpretations of this Code and to adopt and enforce administrative procedures in order to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of the Code.

The Building Official is also responsible for the development of the Building Codes Division budget as well as exercising budgetary controls. The Building Official is responsible for hiring, discipline, personnel development, training, and public relations.

Plans Examiners:

As per OAR 918-098-1015, plans examiners review construction plans for compliance with the Clatsop County Uniform Building Code ordinance at the level for which the plans examiner is certified by the State of Oregon and possess a valid Oregon Inspector Certification.

## Inspectors:

As per OAR 918-098-1015, inspectors conduct inspections of work covered by the appropriate specialty code at the level for which the inspector is certified by the State of Oregon and possess a valid Oregon Inspector Certification.

Detailed position descriptions for all employees are available upon request from the Clatsop County Human Resources Department.

## Appeals Process

Any appeal of a plans examiner or inspector decision is first directed to the plans examiner or inspector responsible for the initial decision. If the matter is not resolved, the appeal may be forwarded to the Building Official for review. This appeal may be verbal or in writing. There is no cost for this appeal. A Building Official decision is generally rendered within two business days and communicated to the person seeking the appeal. Building Official decisions made at this level may be communicated verbally or in writing to the aggrieved party and the plans examiner or inspector responsible for the original decision.

As provided in ORS 455.475, a person desiring to appeal a Building Official decision of any matter regarding the interpretation and application of a specialty code provision shall first be made to the appropriate specialty code chief inspector of the Department of Consumer and Business Services. The appeal must be in writing. The decision of the department chief inspector may be appealed to the appropriate advisory board. The decision of the advisory board may only be appealed to the Director of the Department of Consumer and Business Services if codes in addition to the applicable specialty code are at issue. A decision by the department on an appeal filed under this statute is subject to judicial review as provided in ORS 183.484.

An appeal of a Building Official decision unrelated to a specialty code provision is reviewed by the Clatsop County Community Development Director.

## Accounting

### Revenues:

The Clatsop County Building Codes Division in conformance with County budget policy has one combined budget. Revenues are tracked by individual function. All revenues collected are retained in a dedicated fund. Building, Plumbing, and Mechanical revenues are included in the Clatsop County budget in account 81-1401. Electrical revenues are included in the Clatsop County budget in account 81-1403.

### Expenditures:

All program expenditures are budgeted in the Division's dedicated fund. This fund includes both direct and indirect costs. Administrative costs are assessed through the Clatsop County Finance and Budget Department. All expenditures are accounted in the Clatsop County budget and appropriated in two categories; Personnel Services and Materials and Services. A copy of the CCBCD annual budgets are available upon request by any interested individual or group.

Both revenues and expenditures are projected to be relatively flat during the duration of this operating plan and consistent with the adopted budgets as approved by the Clatsop County Board of Commissioners upon completion of the annual budget hearings and adoption proceedings.

Administrative overhead costs are included in the annual Clatsop County budget and the CCBCD budget under the description of Indirect Costs in account 82-3210. The Indirect Costs include the following; Board of Commissioners, County Manager, Human Resources, County Counsel, Budget and Finance, Info Systems, Building and Grounds, and Dues and Special Assessments. The projected Indirect Costs for the 2021/22 CCBCD budget are projected to be \$72,253.

### **Records Retention and Retrieval**

All Clatsop County Building Codes Division records are retained for at least the minimum time required by the State of Oregon Archivist. Single Family Dwelling plans are made available to the property owner of record after the required retention period.

### **Availability of Operating Plan**

The Clatsop County Building Codes Division operating plan is available to any interested individual or group upon request. Paper and electronic copies are available at no cost.

### **Public Comment and Complaint Process**

Public comments or complaints may be submitted verbally (in person or via telephone) or in writing (via fax, mail, personal delivery) or electronic mail. Comments or complaints related to code provisions are processed by the appropriate staff member. If the comment or complaint becomes an appeal, the procedures previously detailed will be followed.

An electronic customer satisfaction survey is available and is posted on the Clatsop County website. A link to the survey is included on all email correspondence. The use of the customer satisfaction survey gives the user the option to remain anonymous.

Comments or complaints of anonymous voice messages, letters, faxes emails, etc., are given the lowest divisional priority.

Comments or complaints related to employee behavior are processed by the employee's supervisor in accordance with Clatsop County Personnel Rule, Policies, and Procedures.

### **Public Inquiry**

The public may contact the Building Codes Division for assistance between the hours of 7:30 am to 4:00 p.m. Such contact may be made by telephone, in-person, email, or fax. Telephones are answered during all office hours. Voice messages are returned within 24 hours with the exception of weekends and holidays. The general office phone number is 503-338-3697.

### **Customer Service Information**

The Clatsop County Building Codes Division area of responsibility includes all unincorporated areas of Clatsop County for matters relating to structural, mechanical, and plumbing specialty codes. The Clatsop County Building Codes Division area of responsibility includes both the incorporated and unincorporated areas of Clatsop County for all matters relating to electrical codes.

Specialty code permits are available through this office. Permit applications may be submitted electronically. Some specialty code permits may be available through the state epermitting program. Please contact our staff for assistance in learning how to use the on-line epermitting program.

### **Notifications**

All notices pursuant to the Oregon Revised Statutes and Oregon Administrative Rules concerning the Delegation of Programs to Local Jurisdictions shall be sent to the following,  
David D. Kloss, Building Official  
Clatsop County Building Codes Division  
800 Exchange St.  
Astoria, OR 97103

Gail Henrikson, Director  
Clatsop County Community Development Department  
800 Exchange St.  
Astoria, OR 97103

### **Building Official**

Pursuant to ORS 455.148 (3), OAR 918-098, and ORS 316.162 to 316.221, Clatsop County directly employs and designates by ordinance an individual to administer the Clatsop County Building Codes Division. The current Building Official is David D. Kloss; certification number 5427BO. Pursuant to ORS 316.162 to 316.221 a withholding exemptions certificate is on file in the Clatsop County Budget and Finance Department.



# Permitting Standards

918-020-0090 (2)

## Office Location and Hours of Operation

The Clatsop County Building Codes Division office is located at 800 Exchange Street, Suite 100, Astoria, Oregon 97103. Office hours are from 7:30 a.m. to 4:00 p.m. Monday through Friday excluding Holidays.

## Application Process

Applications are made on forms provided by the Clatsop County Building Codes Division. The forms can be obtained in person or on the county's website. Permit applications received in person are reviewed for completeness before the customer leaves. Permit applications received via mail, email, or fax are reviewed for completeness within 24 hours and the applicant is notified of the incomplete information. Faxed permit applications are accepted but generally discouraged as the transmission of such documents easily become illegible or interrupted rendering them unusable for permitting purposes.

Most specialty code permits are processed and issued within 24 hours of receiving a complete application. Please note that some permits cannot be issued within 24 hours due to the following,

- 1- Incomplete information.
- 2- Nonpayment of permit fees.
- 3- Property and work is in a hazard zone, i.e. flood, landslide, coastal tidal wave, etc.
- 4- Property is subject to current code enforcement action.

In such cases, the applicant is notified immediately and made aware of why the application cannot be processed and the steps necessary to resolve the outstanding issues are explained.

Permit applicants are required to provide proof of licensing, registration and certification of any person who proposes to engage in any activity regulated by ORS Chapters 446, 447, 455, 479, 693, and 701. Issues that may arise from this verification process are referred to the Building Official for resolution.

## Application and Permitting Time Frames

Permit applications for work covered by the Oregon Residential Specialty Code are issued on an over the counter basis whenever possible. Applications that require an in-depth review are reviewed for completeness within three days of submittal. Applicants are notified of the information necessary to complete the review. Plan reviews of structures covered by the Oregon Residential Specialty Code are completed within 10 business days. Plans are generally reviewed in the order that they were determined to be complete, not according to the date of original submittal.

All minor label programs are administered by the State of Oregon Building Codes Division pursuant to OAR 918-309-0210 and 918-780-0130.

# Plan Review Standards

## 918-020-0090 (3) through (7)

### Compliance with Specialty Codes

Plan review staff members are certified by the State of Oregon in codes administered by the Clatsop County Building Codes Division. The plans examiners review structural, mechanical, fire/life safety, energy, accessibility and manufactured dwelling plans. Plumbing plans are reviewed and approved by the Clatsop County Plumbing Inspector. Electrical plans are reviewed and approved by the Clatsop County Electrical Inspector.

Reviews are conducted to assure compliance with all applicable specialty codes including current statewide code interpretations.

A list of current Clatsop County Building Codes Plans Examiners, including current certifications are available upon request.

### Availability of Checklists

Clatsop County Building Codes Division routinely utilizes plan review and inspection checklists and they are available upon request.

### Complete Plans and Notice to Applicants

Applications that require an in-depth review are reviewed for completeness within three days of submittal. Applicants are notified of the information necessary to complete the review. Plan reviews of structures covered by the Oregon Residential Specialty Code are completed within 10 business days. Plans are generally reviewed in the order that they were determined to be complete, not according to the date of original submittal.

### Phased and Deferred Submittals

The Clatsop County Building Codes Division utilizes the process described in OAR 918-050-0160 for Phased Submittals and OAR 918-050-0170 for Deferred Submittals. Please note that phased or deferred work does allow a project to proceed beyond the level of approval authorized by the Building Official. The process for phased or deferred submittals shall be in accordance with OAR 918-020-0090 (3)(a)(D). Phased or deferred submittal permits may include, but not limited to,

- 1- Excavation, Shoring, Grading, Site Utilities
- 2- Foundations
- 3- Structural Frame
- 4- Shell only
- 5- Engineered Trusses
- 6- Mechanical and Plumbing systems
- 7- Fire Protection systems

Please note that the applicant is not guaranteed that a permit for the entire structure will be granted when a phased permit is issued. When an application for a phased permit is received, the submittal will be surveyed to ascertain an estimated timeline for plan review.

### **Verification of Stamp by Design Professionals**

Staff verifies that plans are appropriately stamped by an Oregon registered design professional when required by law. Plans failing to meet this requirement are not reviewed and the application is deemed incomplete until the appropriate stamp and documentation is provided.

### **Waiver of Plan Review Program**

The use of the alternate plan review program is for one- and two-family dwellings of conventional light frame wood construction only. This program is available to Oregon licensed architects and engineers who are also certified by the state as residential plans examiners. (Certification CAX) This program has the effect of waiving the CCBCD plan review process but does not waive any requirements of the adopted specialty codes or Clatsop County Land Use requirements.

Individuals meeting the requirements of this program shall verify that all construction documents are stamped by a registered design professional and includes but is not limited to the following,

- 1- Footing and foundation
- 2- Elevation views and site topography
- 3- Wall sections
- 4- Energy provisions
- 5- Floor framing
- 6- Beam calculations
- 7- Truss details including all necessary provisions addressing uplift connections
- 8- Lateral wall bracing and or shear wall design
- 9- Designs necessary to accommodate specific site hazards, i.e. flood, geographical, landslide, wildfire, high wind zone, and seismic category criteria, etc.
- 10- Automatic fire protection systems
- 11- Means of egress and all life-safety elements

A letter issued by the engineer or architect of record indicating that all items listed above have been reviewed by the design professional and comply with the Oregon Residential Specialty Code is required upon submittal.

A copy of the stamped construction documents shall be kept on site and available for field inspections services. Discrepancies identified upon field inspection requiring changes to the stamped documents shall be addressed by the architect or engineer of record.

The plan review fees associated with this program are in accordance with the fee schedule adopted by the Clatsop County Board of Commissioners.

### **Plan Review Certifications**

The CCBCD directly employs individuals certified by the state to review both residential and commercial plans. A current list of staff certifications is available upon request to interested parties. Continuing educational requirements are mandated by the state and as such are subject to change. Continuing education may be required by the state in order to hold current and valid certifications. In the event a staff member does not complete required continuing education to maintain the appropriate levels of certifications current, plan reviews will not be performed by that individual.

### **Alternate Plan Review Personnel**

Simple one- and two-family dwelling plans are required to be reviewed within ten business days in areas where the population served is less than 300,000.

The term “simple one or two-family dwelling” is defined as a structure complying with;

- 1- The prescriptive provisions of the Oregon Residential Specialty Code; or
- 2- The Manufactured Dwelling Installation Specialty Code and the requirements in OAR Chapter 918, division 500; and
- 3- Be a structure of three stories or less with an enclosed total floor space of 4,500 square feet or less, inclusive of multiple stories and garage(s).

Simple one or two-family dwelling plans may;

- 1- Include pre-engineered systems listed and approved by nationally accredited Agencies in accordance with the appropriate specialty code, or by state interpretive rulings approved by the appropriate specialty board, that requires no additional analysis; and
- 2- Be designed by an architect or engineer and be considered a simple one or two family dwelling if all other criteria in this rule are met.
- 3- Include Master plans approved by the division or CCBCD or under ORS 455.685, which requires no additional analysis; and
- 4- Plans that include an engineering soil report if the report allows prescriptive building construction and requires no special systems or additional analysis.

A plan that does meet the definition of simple is deemed complex. In such instances the Building Official may, but is not required to accept a plan review performed by one of the listed, licensed plan reviewers for a complex one- and two-family dwelling.

Simple one- and two-family dwelling plans are reviewed within ten business days from the date that an application is deemed complete. In the event that this time line cannot be met, CCBCD may accept plan reviews performed by the following licensed plan reviewers,

Bob Mitchell, Building Official, City of Seaside, OR  
Alton Butler, Building Official, City of Cannon Beach, OR  
Anthony Clifton, Building Official, City of Black Diamond, WA

The Clatsop County Building Codes Division, when necessary to meet the 10-business day time frame, may solicit third-party plan review services. Both the solicitation and all contracts will be reviewed and approved by the Clatsop County Finance Department to assure compliance with applicable law and purchasing ordinances. All applicants must possess the appropriate licenses. Three providers will be chosen from those applying, based on their proposed efficiency of service, convenience to our customers, and performance record with this office. Once the providers have been chosen, a notice will be posted on the county website and at our front counter.

# Inspection Standards

## 918-020-0090 (8)

### Inspection Schedule

Inspection staff provides services between 8:30 am and 3:00 pm daily. Inspection staff is generally available for telephone or counter inquiries from 7:30 am to 8:30 am and 3:00 pm to 4:00 pm. Inspections may be requested outside regular business hours by contacting the Building Official. Additional fees are required for inspection requests outside normal business hours.

### Inspection Requests

Inspection requests are received and processed in the following manner only;

- 1- The state epermitting program
- 2- Requests by Email: [buildingdivision@co.clatsop.or.us](mailto:buildingdivision@co.clatsop.or.us)
- 3- Requests by Inspection Request Line: 503-338-3698
- 4- Requests by Fax: 503-338-3666

When requesting an inspection please provide the following information:

- 1- The permit number, i.e. 186-21-000000
- 2- The job site address
- 3- Inspection type
- 4- Requested date of inspection
- 5- AM and PM requests are accepted but cannot be guaranteed.
- 6- The contact information where you can be reached

Inspection requests submitted to the general Building Codes Division voice messaging system, individual voice messaging systems, cell phone voice messaging systems or texts, or individual email accounts will not be processed.

Inspection requests submitted to the state epermitting program, Inspection Request Line, Fax machine, and Building Codes Division email are retrieved and processed at 7:00 am each morning. Please allow up to 24 hours for faxed and emailed permit applications to be processed. Inspection requests for projects not yet permitted will not be scheduled. Please understand that when calling from a cell phone, your message may not be received clearly or completely and therefore may not be processed.

### Inspection Procedures

One set of CCBCD approved plans shall be on site and available to field inspectors for each inspection requested. The approved plans shall be kept in a conspicuous location, maintained in legible condition, and in complete order. If, the approved plans cannot be located with normal effort, are rendered illegible, or otherwise in disarray, the requested inspection may not occur. It will be the applicant's responsibility to reschedule the inspection. Field inspectors are not required to retrieve approved plans from on-site sanitary facilities. (port-a-potties)

Work that is found out of compliance with the adopted specialty codes, Clatsop County rules, regulations, or ordinances will not be approved. A corrective notice shall be left on site and a copy of the report will be emailed to the applicant on record through the state epermitting program.

### **Inspection Staff**

All inspectors are certified by the State of Oregon in all codes administered by the CCBCD. The inspectors observe and approve structural, mechanical, fire/life safety, energy, accessibility and manufactured dwelling work for compliance with the approved plans and appropriate specialty codes.

A list of current CCBCD Inspectors, including current certifications and continuing education are available upon request.

### **Stop Work Orders**

Section 15.04.120 of the Clatsop County Uniform Building Code states as follows,

Whenever the Building Official finds work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the Building Official is authorized to issue a Stop Work Order. The Stop Work Order shall be in writing and shall be given to the owner of the property involved, or to the owners' agent, or to the person doing the work. Upon issuance of a Stop Work Order, the cited work shall immediately cease. The Stop Work Order shall state the reason for the order, and the conditions under which the work will be permitted to resume. Any person, who shall continue to work after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties prescribed by law.

The authority to issue a Stop Work Order is delegated to the inspection staff as necessary after contacting the Building Official for approval of the decision and prior to issuance of the Stop Work Order.

### **Investigation of Plumbing and Electrical Violations**

Clatsop County inspectors require proof of compliance with the licensing, permitting, registration and certification requirements of persons engaged in any activity regulated by ORS Chapters 446, 447, 455, 479, 693, and 701. Inspectors shall note any violation of a licensing, permitting, registration or certification requirement and file a report with the appropriate enforcement agency after obtaining Building Official approval.

All inspectors conduct random spot checks to verify compliance with plumbing and electrical licensing and registration requirements.

Complaints received by the CCBCD related to alleged violations of plumbing or electrical licensing or registration requirements are investigated by the appropriate inspector after obtaining Building Official approval.

**Assessment of a Reinspection Fee**

A reinspection fee may be assessed in the following circumstances; failure to provide access on the date the inspection was requested, permit card is not posted, approved plans are not available on the jobsite, deviating from the approved plans that require Building Official approval, covering or concealing any portion of work required to be inspected without prior approval, work to be inspected is not complete and ready for inspection. The specific reason for the reinspection fee is communicated to the permit holder with directions on steps to resolve the outstanding fee.

**Suspension or Revocation**

Section 15.04.250 of the Clatsop County Uniform Building Code states as follows:

The Building Official may, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate of occupancy is issued in error or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation of any of the provisions of this Code.



# Compliance Programs

OAR 918-020-0090 (9)

## Process for Response to Reported Code Violations

Reports of work being performed without a permit, in violation of the Clatsop County Uniform Building Code, or in violation of licensing requirements in ORS 479.550, 479.620, 447.040, 693.030, and 693.040 are accepted in person or via email, telephone or fax. All reports are investigated by the inspection staff after obtaining Building Official approval. Complaints of anonymous voice messages, letters, faxes, emails, etc., are given the lowest divisional priority.

## Investigation of Reported Violations

Reports as described above are investigated to determine whether or not a violation exists. If no violation exists, the case is closed. If a violation exists, several possible actions that may be taken by the Clatsop County Building Codes Division, including but not limited to Stop Work Orders, assessment of investigation fees, assessment of administrative penalties, and citation to the Clatsop County Hearings Officer. An investigation fee shall not be assessed without Building Official approval.

## Notices of Proposed Civil Penalties

Section 15.04.305-310 of the Clatsop County Uniform Building Code States as follows:

### Monetary Penalties

It is unlawful for any person to violate any of the codes, regulations or provisions adopted by reference or referred to in this Code. The following provisions shall apply to the assessment of monetary penalties for building code violations:

#### A. Violations, Penalties, and Remedies.

1. Violation of a provision of the Clatsop County building code shall be subject to an administrative civil penalty not to exceed \$5,000 for a single violation or \$1,000 per day for a continuing violation and shall be processed in accordance with the administrative procedures set forth in this article.
2. Each day that a violation of a provision of the Clatsop County building code exists constitutes a separate violation.
3. The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available to the county under any ordinance, statute or law.

#### B. Building Official - Authority to Assess Administrative Civil Penalty.

1. Upon a determination by the building official that any person, firm, corporation or other entity however organized has violated a provision of the Clatsop County building code, the building official may issue a notice of civil violation and assess against the violator and/or any other responsible person an administrative civil penalty as provided in this section. For purposes of this article, a "responsible person" includes the violator, and, if the violator is not the owner of the building or property at which the violation occurs, may include the owner as well.

2. Prior to issuing a notice of civil violation and assessing an administrative civil penalty under this section, the building official shall issue an order to correct the violation to one or more of the responsible persons. Except where the building official determines that the violation poses an immediate threat to health, safety, environment, or public welfare, the time for correction shall be not less than 10 calendar days.
3. Following the date or time by which the correction must be completed as required by the order to correct the violation, the building official shall determine whether the correction has been completed. If the required correction has not been completed by the date or time specified in the order, the building official may issue a notice of civil violation and assess an administrative civil penalty to each responsible person to whom an order to correct was issued.
4. Notwithstanding subsections (B)(2) and (3) of this section, the building official may issue a notice of civil violation and assess an administrative civil penalty without having issued an order to correct violation or making attempts to secure voluntary correction where the building official determines that the violation was knowing or intentional or a repeat of a similar violation.
5. In assessing an administrative civil penalty authorized by this section, the building official shall consider:
  - a. The person's past history in taking all steps necessary or appropriate to correct the violation;
  - b. Any prior violations of the Clatsop County building code;
  - c. The gravity and magnitude of the violation;
  - d. Whether the violation was repeated or continuous;
  - e. Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act.
6. Any notice of a civil violation that assesses an administrative civil penalty under this section shall either be served by personal service or shall be sent by certified mail and by first class mail. Any notice served by mail shall be deemed received for the purposes of any time computations three days after the date mailed if to an address within this state, and seven days after the date mailed if to an address outside this state. Every notice shall include:
  - a. Reference to the particular building code provision involved;
  - b. A short and plain statement of the basis for the violation and any other relevant facts;
  - c. A statement of the amount of the penalty assessed;
  - d. If the penalty is assessed pursuant to subsection (B)(5) of this section, a short and plain statement of the basis for concluding that the violation was knowing, intentional, or repeated; and
  - e. A statement of the party's right to appeal the civil penalty to the Clatsop County hearings officer; a description of the process the party may use to appeal the civil penalty; and the deadline by which an appeal must be filed.

7. Any person, firm, corporation or other entity however organized that is issued a notice of civil penalty may appeal the penalty to the hearings officer. The provisions of subsection (C) of this section shall govern appeals.
8. A civil penalty assessed hereunder shall become final upon expiration of the time for filing an appeal, unless the responsible person appeals the penalty to the hearings officer pursuant to, and within the time limits, established by subsection (C) of this section.

C. Appeal Procedures.

1. A person, firm, corporation or other entity however organized may, within 15 days after receiving notice of the assessment of a monetary penalty, appeal in writing to the hearings officer. The appeal shall be filed in the offices of the Clatsop County Building Codes Division, accompanied by a \$25.00 appeal fee, 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 correct determination of the appeal should be.
2. An appeal shall be heard by hearings officer within a reasonable time of the receipt of the notice of intent to appeal. At least 10 days prior to the hearing, the county shall mail notice of the time and location thereof to the appellant.
3. The hearings officer shall hear and determine the appeal on the basis of the appellant's written statement and any relevant additional evidence submitted. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The building official may appear with or without counsel or through the building official's designee. The building official may present testimony and oral argument personally or by counsel. The burden of proof shall be on the building official by a preponderance of the evidence. The rules of evidence as used by courts of law do not formally apply.
4. The hearings officer shall issue a written decision within a reasonable time of the hearing date. The written decision of the hearings officer is final.
5. The building official is authorized to collect an awarded penalty by any administrative or judicial action or proceeding authorized by subsection (D) of this section, other provisions of the Clatsop County Code, or state statutes.

D. Unpaid Penalties.

1. An administrative penalty is final if not appealed within the time period set forth in subsection (C)(1) of this section or if appealed, upon issuance of the hearings officer's order. Failure to pay an administrative penalty assessed pursuant to this article within 10 days after the penalty becomes final shall constitute a violation of the Clatsop County building code. Each day the penalty is not paid shall constitute a separate violation.
2. If an administrative civil penalty is affirmed on appeal and the penalty remains unpaid 60 days after the penalty becomes final, the hearings officer's order may be recorded

with the Clatsop County clerk or any other county clerk of this state. The total amount of civil penalties, costs or fees owing pursuant to that order shall be recorded as a lien in the county clerk lien record. The cost of recording the hearings officer's order shall be added to the total amount of civil penalties, costs and fees owing.

3. In addition to any other remedy provided by law, a hearings officer's order recorded in the county clerk lien record pursuant to subsection (D)(2) of this section shall have the same effect and may be enforced as provided in ORS 205.125 and 205.126.
4. In addition to enforcement mechanisms authorized elsewhere in the Clatsop County Code, failure to pay an administrative civil penalty assessed pursuant to this article shall be grounds for withholding issuance of requested permits, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy.15.04.310. (Ord. 16-07)

#### 15.04.310 Other Remedies.

- A. It is unlawful for any person to violate any of the codes, regulations or provisions adopted by reference or referred to in this Code. Violation of this chapter and any specialty code or building code administered by the County pursuant to ORS 455.153 is a public nuisance under Chapter 8.04.
- B. The County Building Official is designated and shall be deemed an "enforcement officer" within the meaning of ORS 153.005 for purposes of enjoining this ordinance.
- C. In addition to a monetary penalty in any case where a building or structure is, or is proposed to be, erected, constructed, reconstructed, altered, maintained or used, or is proposed to be used in violation of this Code or any amendment thereto, the Clatsop County Board of Commissioners, or the County Counsel's office may in addition to other remedies provided by law, institute injunction, mandamus, abatement, code enforcement under Chapter 1.12 of this Code, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate or remove the unlawful erection, construction, reconstruction, alteration, maintenance or use. (Ord. 16-07, Ord. 13-04 §3; Ord. 03-04)

Pursuant to ORS 455.156, the Clatsop County Building Codes Division does not act as an agent of the respective state boards in the issuance of proposed assessment of civil penalties.